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ART. I.—EXPEDITION OF ST. DENIS TO MEXICO—ESTABLISHMENT OF THE SPANIARDS, IN THE TERRITORY BETWEEN THE RIO BRAVO AND RED RIVER.*

The following accounts are derived, almost exclusively, from documents *original* and *unpublished*, etc.: and nearly all as yet unknown, except to a few individuals. They will be found to vary materially from those hitherto presented, for which the authorities have been Charlevoix, Le Page, Dupratz, and La Harpe. The latter is correct so far as the knowledge of the writer extended: Dupratz is erroneous and imperfect; and Charlevoix misrepresents most strangely many of the circumstances on which he certainly possessed the means of accurate information. These circumstances cannot be considered unimportant, as they are connected with the formation of the first establishment of a permanent nature made by the Spaniards in Texas.

At the period to which the first portion of these extracts relates, 1715-18, Louisiana was in the possession of Antoine Crozat, under a grant from Louis XIV, of France, made in 1712; and Antoine de la Motte Cadillac was the Governor. The Company was then transferred to the Western Company, under which Bienville acted as Governor.

La Motte Cadillac, on arriving in Louisiana, had found a letter addressed to the Governor of the Colony, in January, 1711, by Father Francisco Hidalgo, a Franciscan [Recollet] missionary, from Queretaro, in Mexico, who had resided for sometime among the Cenis Indians, on the upper waters of the River Neches, representing the condition of that country as highly favorable for settlement, and for trade with the Northern provinces of the Spaniards. This letter was written, at the time when commercial intercourse was allowed between the French settlements and Mexico; and under the impression that it would be continued; yet the Governor, notwithstanding the subsequent revival of the prohibitory regulations of the Spaniards, and the repulse of Crozat's vessels

* From an *unpublished* History of FLORIDA, LOUISIANA and TEXAS, by Robert Greenhow, author of a History of Oregon and California. Mr. Greenhow has kindly furnished us this article.

from Vera Cruz, was induced by the observations of the Missionary, to hope, that he might still succeed in establishing an indirect trade with the provinces above mentioned; and he resolved to make an effort for the purpose.

There was at that time not a single port or establishment whatsoever, of civilized persons, in the whole division of America, between the Mississippi and the Rio Bravo del Norte, except in the narrow valley of New Mexico, traversed by the head waters of the latter stream; or farther south, within two hundred miles of the Mexican Gulf, between the Rio Bravo and the Paunco, (Tampico,) those vast regions were only known from the accounts of the two or three Spanish expeditions through them, already mentioned; and their only inhabitants, other than savages, were some Missionaries from Mexico, or vagabonds from the same country; one of whom, named Urrutia, had for sometime exercised authority as a chief, over a tribe near the Trinity River.

The Spanish settlements nearest to the Mississippi, were those of New Mexico, New Biscay, Coahuila, and New Leon, South of the Rio del Norte, below its junction with the Conchos; the nearest port of that nation to those of the French, being the presidio or fort and mission of San Juan Baptista, which had been then recently founded within two leagues of the Rio Bravo on the South, at the distance of more than two hundred leagues from its mouth. Farther South were Coahuila or Monclova, the capital of the province of Coahuila and Saltillo, North-West of which was Chihuahua, all of them small towns; and beyond these, at great distances, were the cities of Durango, Zacatecas, and San Luis Potosi, on the outskirts of the old and thickly peopled provinces of New Spain.

For communication with these settlements of the Spaniards, two modes presented themselves to the Governor of Louisiana: either to form a colony or factory on the West coast of the Gulf, at some point most convenient to the towns of the interior, or to make all the communications pass through the Mississippi and the Red River, and thence Southward overland; the territories bordering upon the Gulf, West of the Mississippi, being regarded as impassable, from the number of the streams and the extent of the marshes, as well as from the savage character of their inhabitants. The former mode was in every respect preferable; but the colony of Louisiana, then containing not more than five or six hundred white persons, was too feeble for the support and protection of a settlement so distant, which would infallibly be soon attacked by the Spaniards; and La Motte Cadillac, accordingly determined to have an experimental expedition made, on the other line of route, in order to ascertain how far commercial intercourse, thus carried

on, might be practicable and profitable. The person chosen by him to make the attempt, was the Canadian Louis de St. Denis, who had distinguished himself by his courage and shrewdness, in several trading voyages up the Red River; and was then in command of a small post, near the entrance of the Bayou St. Jean into Lake Pontchartrain, within a few miles of the spot now occupied by New Orleans. St. Denis was accordingly furnished with some goods from the public store, at Dauphin Island; and with a commission or passport from the Governor,* to be exhibited in case of need, declaring his object to be merely to purchase horses and cattle for the colony.

St. Denis quitted Mobile, on this expedition in August, 1723,† with about thirty Canadians, to whom he added a number of Tunica Indians, from the Mississippi; and early in October, he reached the principal village of the Natchitoches, on an island near the present town of Natchitoches. There he left a few of his men, with orders to return to Mobile unless he should come back within a given time; and with some Natchitoches Indians as guides, he proceeded Southwestward, to the country of the Cenis, where he remained until January. Father Hida'go had quitted that region for Mexico, sometime previous; and St. Denis, in

* The following translation of this passport, is made from the copy attached to the report of the examination of St. Denis, at Mexico, in June 1715:

"We, Antoine de la Motte Cadillac, Seigneur of Davaguet and Monderet, Governor of Dauphin Island, Fort Louis, Biloxi, and of the country and province of Louisiana, do hereby authorize the Sieur de St. Denis, and the twenty-four Canadians of his party, to take with him any number of Indians, whom he thinks necessary, to the Red River, or wherever else he may choose to go, in search of the Mission of the Recollet, Father Francisco Hidalgo, agreeably to the letter written by him, on the 17th of April, 1711, for the purpose of buying horses and cattle, for the colony and province of Louisiana; and we request all whom it may concern, to suffer the said Sieur de St. Denis and his party, to pass without impediment. In faith whereof, we have signed this, and seal it with the seal of our arms, and have caused it to be countersigned by our Secretary, at Fort Louis, Louisiana, this 12th of September, 1713.

LA MOTTE CADILLAC.

By my Secretary, OLIVER."

† This account of the first journey of St. Denis to Mexico, is derived principally from the report of his examination at Mexico, and various other original and unpublished documents connected with his case. Charlevoix most unaccountably blends the circumstances of the two expeditions of St. Denis into one; and he, as well as Le Page and Dupratz, introduce into their accounts, a number of adventures, which are here omitted, as unimportant or apocryphal. At Mexico, St. Denis declared, in June, 1715, that he had set out on his journey a year and nine months previous; but this seems to have been incorrect.

the end, resolved to continue his route to the Spanish provinces. Being, however, fearful of exciting suspicion as to his motives, by carrying with him, so many of his countrymen, he sent back the whole party to Louisiana, with the exception of Penicaut, the carpenter, Jallot, the surgeon, and one other; with whom and a small number of *Cenis'*, under their chief Bernardino, he took the route towards the Presidio of Saint Juan Baptista. On his way, he met with no adventures worthy of note, except an attack from some wandering Indians, probably *Camanches*, after passing the Colorado, (or San Marcos, as it was then called by the Spaniards,) this attack was repelled, and the travellers reached the Presidio on the Rio Bravo, early in March, 1715.

The Commandant of the Presidio, Don Diego Ramon de Vilescas, received the four Frenchmen with kindness; but he was under orders to detain all strangers who should come within his jurisdiction, until the pleasure of the Governor of Coahuila could be learned respecting them. At the end of a month, orders arrived that St. Denis should be sent to Monclova, and there he learned, that he was to pursue his journey, under guard, to Mexico; and, accordingly, accompanied by Jallot, he entered the capital of New Spain, on the 4th of June.

The arrival of St. Denis created much excitement in Mexico. The Duke de Linares, then Viceroy, who was favorably disposed towards the French, treated him with distinction, though he caused him to be examined rigorously considering the objects of his journey. The particulars of his case were then submitted to the Audiencia, which was, at the same time, the Supreme Court of Justice and the Council of Government of the Kingdom; and a long report was made on the subject, by the Fiscal or Attorney-General, Espinosa, setting forth the magnitude of the dangers, with which the Spanish dominions were threatened by the vicinity of the French in Louisiana; and recommending that St. Denis, with his companions, should be escorted back to the Red River, and that Spanish missions and garrisons should be immediately established in the countries near that stream.

These views were approved by the Viceroy, though he endeavored to prevail on St. Denis to remain in Mexico, where he promised him a situation, superior to any which he could expect in Louisiana. The Frenchman, however, refused to change his allegiance on any terms; and would only consent to accompany the party, which was about to be dispatched, to form ports in the Red River country, and to aid them by his advice, and his mediation with the Indians. The command of this party was, through the influence of St. Denis, given to Ensign Domingo Ramon, the son of the Commandant of the Presidio, on the Rio Bravo; St. Denis, himself, being appointed chief conductor of the baggage and

supplies, for which he was to receive pay, at the rate of fifteen hundred dollars per annum.*

St. Denis quitted Mexico in the latter part of the year, and in February, 1715, he reached the Presidio, where he was soon after united in marriage to Donna Maria de Vilescas, the niece of the Commandant, whose affections he had gained during his former stay. The priests, soldiers, and settlers for the contemplated establishments in the North, were in the meantime collected at the fort; from which they took their departure on the 20th of March. The party consisted of twenty-four soldiers, nine friars, seven women, and thirty-five other persons, including the four Frenchmen; but not the newly married lady, who for some reason unexplained, remained at the fort; and they carried with them more than five hundred head of horses, mules and cattle. Their progress was, therefore, necessarily slow. On the 2d of May, they crossed the Nueces, the bed of which was found nearly dry; and having passed the Medina,† the Northern boundary of the Province of Coahuila, on the 14th, they encamped for a few days in the beautiful valley of San Antonio, near that river on the North, which had been discovered as already related by Teran, in 1691. Continuing their march, they crossed in succession, the Guadeloupe, the San Marcos, now the Colorado; the Colorado, now the Brazos; and the Trinity, from which latter river, St. Denis went in advance, to communicate with the Ceniz, and secure their friendship for the Spaniards. In this, the Frenchman was entirely successful; and on the 27th of June, he returned to the party, accompanied by the chief Bernardino and a number of his followers, with whom Ramon smoked the calumet of peace, and concluded a solemn treaty of amity and commerce. The places which had been occupied by the Spanish missions and churches, in 1692-3, were discovered, and some of them were again consecrated to the same purposes; after which the party crossed the river of the Adayes, now the Sabine, to the country of the Adayes Indians, where they in like manner formed treaties with the natives, and established other missions. The principal missionary and

* The particulars of this expedition are minutely related in the Journal of Domingo Ramon, and the reports of the Missionaries; which latter contain some curious observations as to the religious ideas of the Indians.

† The name of Medina is now confined to the upper part of the San Antonio; and that of San Marcos to one of the head waters of the Guadeloupe. The Colorado and the Brazos continued for several years, after the circumstances here related, to bear the names under which they are mentioned in the Journal of Ramon. The Medina or San Antonio formed the separation between Coahuila and Texas, until the latter country was occupied by the people of the United States.

military station, was named in honor of the virgin Guadeloupe, the patroness of the expedition; and stood near the spot now occupied by the town of Nacogdoches.

St. Denis having thus fulfilled his engagements to the Spaniards, took leave of them in the middle of July, and hastened by way of Natchitoches, Red River, and the Mississippi, to Mobile, where he arrived on the 25th of August, 1716, after an absence of two years. La Motte Cadillac was by no means satisfied with the results of his mission, which were, indeed, very different from those anticipated; for instead of tending to the advance of the French establishments towards the Mexican provinces, it had brought the Spaniards to the borders of Louisiana; and as a check upon the latter nation, M. Blondel was immediately despatched from Mobile, with a few men, to occupy and fortify the island in the Red River, near the Natchitoches town. St. Denis, however, having arranged his affairs soon, prepared to return to the Presidio of San Juan, in order to bring back his wife; and conceiving it to be still possible, to establish an indirect commerce with Mexico, he agreed to accompany four traders to that country, with goods to the amount of sixty thousand livres, which, it seems to have been understood that he was to represent as his own property.* The party accordingly set out in October, for Natchitoches; and proceeding thence through the Spanish missions, they reached the principal station near Nacogdoches, on the 21st of January, 1717. There St. Denis took the lead with a portion of the goods, and in the following month, he reached the presidio on the Rio Bravo, where he rejoined his wife.

Changes had, however, taken place in the Government of Mexico, during the interval between the two visits of St. Denis, which were by no means favourable to the views of the French.

On the 10th of August, 1716, the Duke de Linares, by whom St. Denis had been treated so kindly, was succeeded in the Viceroyship of Mexico, by the Marquis de Valero, a man of stern character, and very inimical to the French, whose establishment in Louisiana he endeavoured by all means to restrict or destroy. With this object, he had immediately on entering upon the Government, strengthened the garrison and fortifications of Pensacola, and ordered other points to be occupied on the northern side of the Mexican Gulf; the prohibitory regulations against foreigners were enforced by him with rigour, and he resolved to have the regions north of the Rio Bravo, effectually occupied, so as to reduce the French within as narrow limits as possible. The charge of the

* The Spaniards insist that St. Denis had engaged to return and settle in Mexico; and that the goods brought by him were declared to be the amount of his property; but this was probably untrue.

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operations for the latter purpose, was committed to Don Martin de Alarcon, an old soldier who entered fully into the views of the viceroy, and had been appointed Governor of the Province of Texas, or the new Philippines, extending northward from the Medina or San Antonio river; and this officer was engaged in collecting men and supplies, for the defence and settlements of his territories, at the time when St. Denis arrived with his goods at the presidio of San Juan.

Agreeably to the general regulations forbidding the entrance of strangers into the dominions of His Catholic Majesty, St. Denis was arrested by his wife's uncle, immediately on reaching the presidio, and his goods were placed in sequestration; and he was shortly after sent as a prisoner to Mexico, where he arrived in May, 1717. Upon the recommendation of the Duke de Linares, who still remained in that city, he was at first treated with some kindness by the Viceroy, and allowed to retain his liberty; but the Duke died on the 31 of the following month, and Alarcon made charges against the Frenchman, so serious, that he was thrown into prison, and kept confined for some months, ere he could obtain his release on parole. Meanwhile, he had been the subject of numerous consultations among the authorities; and a detailed report upon his case, had been transmitted to the Council of the Indies at Madrid, in consequence of which, a Royal *Cedula* was served on the 30th of January, 1718, positively prohibiting his return to Louisiana, and noticing the Viceroy, to offer him lands, and employment in the interior of Guatemala. The latter part of this decree was communicated by the Viceroy to St. Denis, who was at the same time privately informed by a friend, of the determination to prevent him from leaving the Spanish dominions. In order to extricate himself from the difficulty, he feigned a disposition to comply with the wishes of the Marquis; and in the mean time made preparations to escape, which proved effective as he returned to Mobile in March, 1719, having been joined on the way by his wife. The merchants who accompanied him from Louisiana, were also arrested, and their goods were seized at the Presidio; but they had obtained their liberation, and permission to sell the goods at Monclova and Boca de Leones, through the agency of the friars of the neighbouring mission; after which they had returned to Mobile.*

* The reasons for these measures are detailed at length in a Report made by the Fiscal of the Board of War and Finance, of Mexico, in November, 1716; from which it appears, moreover, that a letter had been found, or intercepted, written by St. Denis in the preceding year, to the Governor of Louisiana, advising him immediately to form a settlement, on the Bay of St. Louis, or San Bernardo, (now Matagorda Bay,) on which La Salle had established himself in 1785.

[Here follows the particulars of the transfer of Louisiana to the Company of the West—better known as Law's Mississippi Company, and of the proceedings of that body in Europe and in Louisiana.]

Meanwhile, Alarcon the Governor of Texas or the new Philippines, had performed the greater part of the task assigned to him in those regions. He crossed the Medina, with a large number of soldiers, settlers, mechanics, and missionaries, early in 1718, and began by founding the town of Bexar, with the fortress of San Antonio, and the mission of San Antonio Valero, in the beautiful valley, discovered by Teran in 1691, and so strongly recommended by that officer for the purpose.—Thence he continued his route, with the remainder of his party, to the Ceniz country, where he strengthened the missionary force; and crossing the river of the Adayes, called by him Rio de San Francisco de Sabinas, (the Sabine,)* from the number of juniper trees on its banks, he began the construction of a fortress within a few leagues of the French fort of Natchitoches, to which he gave the appellation—not very concise—of Presidio de San Miguel Arcangel de Linares de Adayes. In the following year, all these establishments were farther increased, and another fort was erected on the Orequisas, probably the same stream since celebrated as the San Jacinto, emptying into Galveston Bay, west of the mouth of the Trinity; and Alarcon was about to occupy a position, near the mouth of the San Antonio, which had been selected by him, when his attention was called to the Red River countries, by the movements of the French in that quarter.

Information of these proceedings of the Spaniards had, of course, been transmitted by Blondel, the French commandant at Natchitoches, to Bienville, (the Governor of Louisiana,) who, however, had no means of counteracting them. But about the same time, Bernard de la Harpe, an officer in the Royal army, who had received a patent for lands from the company, arrived at Dauphin Island, bringing with him a number of settlers from France; and he agreed to establish himself on the Red River, where he was also commissioned by the Governor, to found a military post, in some convenient spot, as a check upon the Spaniards. Being an energetic and sagacious person, La Harpe managed to transfer his people from the island, soon after their arrival, to the Mississippi, and thence up the Red River to Natchitoches; and after a short stay at that place he continued his journey several hundred miles farther to the

* This name though certainly given in 1718, and used by the Spaniards, as seen by their Journals, has not been found in any printed book, or map of earlier date than 1790; the river being generally represented as the little Magdalen, or the Adyyes, or the Mexican river.

country of the *Cadodakios*, where he in May, 1719, began his settlement in latitude, according to his observation, of 33 degrees, 55 minutes.*

From this spot La Harpe despatched a letter to Alarcon, who as he learned was then in the *Cenis* country, imploring another from *Bienville*, expressing the desire to promote amicable feelings between the French and the Spaniards: and he at the same time endeavoured privately, to interest Father Antonio Margil, the Superior of the Spanish missions among the *Cenis* in furtherance of commercial intercourse, by offering him two or three per cent on all sales of French goods in the Spanish provinces. The friar in his answer appeared well disposed to comply with the wishes of La Harpe, to whom he, however, recommended the utmost secrecy in their correspondence, on account of the inimical feelings of the Governor of Texas towards the missionaries; but Alarcon somewhat rudely summoned the French to quit this portion occupied by them, in the Spanish province of Texas, La Harpe replied in the same tone, asserting that the country called by Alarcon the Province of Texas, had been first possessed by the French, under La Salle in 1684; since which time, the possession had been frequently renewed; and that the rivers falling into the Mississippi, as well as the territories which they include naturally belong to the King of France; ending by an assurance, that whenever the Spanish Governor should think proper to visit the French fort, he would find that it could be maintained against him.—There the correspondence terminated; and Alarcon who had rendered himself very disagreeable to the missionaries, by his overbearing conduct, was soon after relieved from the Government, which was confided to the Marquis de San Miguel de Aguago.†

[Such were simply the circumstances which led to the permanent establishment of the Spaniards in Texas; those establishments were considerably increased by the Marquis de Aguago, of whose expedition in 1721–2 particular accounts are presented in the history; and after that period, no attempt was ever made by the French to occupy any spot South-west of Natchitoches. St. Denis settled quietly at Natchitoches where he long lived as commandant, respected alike by French, Spaniards, and Indians; being always distinguished by the latter by the

* The latitude here given by La Harpe is, probably, nearly a degree too high; the place at which he made his settlement, seems to have been the Long Prairie, in the South-west portion of Arkansas, about 700 miles by the Red River from its mouth, where a French population was maintained, until about 1780; the people then removed down the river to Campti, 20 miles above Natchitoches.

† La Harpe's "*Journal Historique concernant l'établissement des Français à la Louisiane*," one of the most valuable works, notwithstanding many errors, relating to the history of America.

complimentary appellation of *le gros pied*—the big foot. From him and his Spanish wife are descended a large proportion of the old French inhabitants of the Red River country; though it is believed that none of his name are to be now found there.]*

ART. II.—PLEDGE, HYPOTHECATION, OR MORTGAGE.

This species of contract is known to the civil law as *pignus*, which word is derived from *pugno*, signifying, as some suppose, that the thing given in pledge is delivered by hand; as others think, that moveables alone constitute the subject of a pledge.

The pledge may be defined: *A conditional right over the property of the debtor, given to the creditor as a security for the debt.* This right may consist in a lien upon the property itself, with a condition of a sale at the expiration of the time of credit, or in a right to appropriate the income of the property to the satisfaction of the debt. In either case possession of the property may be with the debtor or creditor, as the contract fixes it.

The general principles governing this engagement, may be considered as they exist,

1. By the Civil Law. 2. At Common Law. Some rules of law controlling the contract of pledge are found in both systems of law, and are of binding effect under both jurisdictions; when they exist at common law, however, they are but modifications of, or superstructions upon, the more ancient system.

1. A pledge may be created either by the consent of the parties, or by the law. To speak with correctness, the word hypothecation applies to the case of contracts of the description of pledge produced by law. But,

* We received with the above, the following note from the writer, which accounts for the article in its present form, and its appearance in our journal:

Sir:—I have the honour to present to the Historical Society of Louisiana, some extracts from an unpublished History of Florida, Louisiana, and Texas, on which I have for some time been engaged; and of which I propose to print the first part, containing the period before 1821, in a few months. The extracts relate to the expeditions of Louis de St. Denis, to Mexico in 1714—19—and the first permanent establishments of the Spaniards in Texas; which may perhaps prove not uninteresting. The facts are derived almost exclusively from original and unpublished documents in my possession.

I remain very respectfully, &c.,

ROBERT GREENHOW,

To the Historical Society of Louisiana.

as usually understood, the pledge and hypothecation differ chiefly in this, that in the pledge the property is remitted to the creditor that it may be sold, and the debt satisfied from the proceeds; while in hypothecations, a right is only given over the property while in the possession of the debtor.

PANDECTS LIB. XX, TIT. 1.

The Civil Law recognized three descriptions of pledge. The Pretorian Pledge embracing those of which the Pretor gave possession. 2. The Judicial Pledge, or such as became so by judicial decision. 3. The Conventional Pledge, created by the engagements of the parties.

1. Of the Conventional Pledge. It may here be premised that the prevailing distinction between a pledge of personality, and a mortgage of real estate is this, that in the case of a mortgage of real estate, a bill of foreclosure is essential to cut off the right of redemption; while in a pledge of personal property, the breach of the condition will authorize a sale, and under such sale, if *bona fide*, the title will vest absolutely in the purchaser.

In constituting a pledge it is unimportant in what terms it is expressed; or, in equity whether the intention with which the engagement is entered into, appear on the particular, or a collateral instrument. Nor is it essential that the parties be present, personally, when the engagement is entered into; as it may be created by letter. A pledge may rise either from a stipulation to pay money or deliver any other thing; or it may accrue from the engagement of one to become responsible for another. The thing pledged may or may not belong to the person pledging it; and in the latter case the consent of the owner is enough to make the pledge valid; and if, when the pledge is made, the property does not belong to the pledger, an ownership afterwards acquired, will relate back to the time of the pledge.

Although commentators on the civil law differ as to whether a pledge by that law can be of any thing not capable of delivery, yet by the common law pledges may be of goods and chattels, money, debts, choses in action, patent rights, manuscripts, and the produce of lands. In the case, however, of things not yet in existence, the pledge partakes of an hypothecary contract, extending a lien upon them whenever produced.

By a pledge of a thing it follows that the increase of any thing is also pledged; but that increase must be recounted for by the creditor: and when the increase consists of interest on a debt pledged, this rule prevails. The interest accruing is to be deducted from that due the creditor, if any interest follow; if not, then from the principal debt.

Much abuse has been showered upon the civil law for its rigor with respect to the power of the creditor over the debtor; and yet the civil

law was more protective of the home and daily bread of the family than the common law—for by the former it was prohibited that a pledge should be made of the apparel and furniture, beds, utensils, and tools of the debtor; or of his plough or other utensils of tillage; of things esteemed sacred; of the pension, pay and emolument of soldiers; or of matters flowing from benevolence. The common law, with perhaps the exception of a soldier's pay, and the bounty of the King, allowed a debtor to pledge to his rapacious creditor all his property from the beds of his children to the family bible.

At common law, the pledgee acquires over the property pledged a right to the extent of the particular debt only which is the subject of the engagement; but by the civil law the pledgee can hold the property until all debts due to him by the debtor are paid, whether secured by the pledge or not. And under both systems the pledge covers not only the payment of the debt specified, but the liquidation of all interest, costs and incidental expenses, whether incurred in effecting the sale or necessary preservation of the thing pledged. With respect, however, to merely useful expenditures, while the civil law leaves their allowance to the proper tribunal to be determined on principles of justice, the common law repudiates them wholly. By the civil law the debt for which the pledge is given may be satisfied either by a sale under judicial order, or by the act of the party. So, at common law if there be a stipulated time, the pawnee may require a sale on failure to redeem at the time appointed, or if there be no time, on request; or he may file his bill for a foreclosure, and sell even before the decree.

If several things are pledged each is liable for the satisfaction of the entire debt; so that one cannot be taken without discharging the whole engagement. Therefore,

If one of several things pledged perishes, the creditor may retain the others to satisfy the engagement; and to do so, not only the things may be sold, but their increase.

Equally by the civil and common law is the creditor prohibited from becoming the purchaser at a sale of the property pledged to him.

A sale of the property pledged is not always required at common law; for if there be no requisition for a sale in the contract, the creditor may retain it; though a Court of Equity will interfere, and order a sale at the instance of the pledgor, in case the property is of greater value than the debt, or of a perishable nature.

The pledge, certainly at common law, is a collateral security; and therefore the creditor may proceed personally against the debtor, without selling the thing pledged. Suppose, however, the thing pledged in consequence of the default of the pledgee, is recovered by the pledgor, would

that operate as a discharge of the debt? Truly not, unless in a previous action by the pledgor against the pledgee, the value of the debt had been the subject of recoupment out of the damages recovered.

By a wiser provision of the civil law, however, it is not left in the power of the pledgee to appropriate the thing pledged on a default in payment of the debt. He must sell and cannot agree with the pledgor, that it may not be redeemed.

In transferring his right over the thing pledged, the pledgee generally cannot convey a greater right than is vested in himself. There are however exceptions, an instance of which is, the transfer of a pledge of current coin, or of negotiable instruments passing by delivery; when a transfer *bona fide* without notice vests an absolute property in the vendee. And this is the rule both at common and by the civil law.

At common law, a factor having a lien upon goods of a principal in his hands cannot pledge them; but by the civil law he can to the extent of his interest. The more just doctrine is that now established on the Continent of Europe, that persons advancing money upon moveable goods in the possession of a party *bona fide*, may receive a pledge of them for their advances, and have satisfaction of such advances out of them.

When the thing pledged is given into the possession of the pledgee, he may use it under the following circumstances: Where use will tend to preserve or benefit it; or where the keeping of it is a charge, as in the case of the milk of a cow; or its use as in riding or working a horse, will be authorized. The use will nevertheless be prohibited in cases where the value of the thing pledged will deteriorate by use, or if the thing itself be placed in jeopardy.

With respect to the preservation of the thing pledged, both the civil and common law hold the pledgee to the observance of ordinary diligence; and by the civil law particularly, the liability of the pledgee rests on two points—deceit, diligence.

The theft of a thing pledged, while in the possession of the pledgee, would seem amidst the conflicting opinions of jurists to be evidence of ordinary negligence, open to explanation as to whether occasioned by the prudence or imprudence of the pledgee. The *prima facie* presumption in the civil law is against the pledgee, and it is for him to destroy it. The common law nevertheless establishes a distinction between an action brought for the restitution of the thing pledged, and one for a negligent loss of it. In the former the civil law rule applies, that the pledgee shall show it was not in his power to prevent the loss; in the latter the burthen of proof is taken from the shoulders of the pledgee, and placed on those of the pledgor.

Touching the right of the pledgor over the engagement of pledge, it may be remarked, generally, that if the time of redemption be fixed, still he may within a reasonable time subsequently redeem: if no time of redemption be agreed upon, the pledgor has his whole life to redeem, in some cases; a right too sometimes conferred upon his representatives.

ART. III.—ON THE REVIVAL OF THE ROMAN THERMÆ, OR ANCIENT PUBLIC BATHS.

Undoubtedly one of the first duties of any government is the promotion of the health of its citizens. The truth of this proposition is sufficiently evident, when we consider that all the industrial operations of entire cities and communities have often been suspended by the sudden invasions of disease. This we have all witnessed in our own country. Nor is it, indeed, only an occasional calamity: our own city of New Orleans is, unfortunately, almost deserted annually, and all its principal business operations suspended, for at least one-fourth of the year. This consideration alone is sufficient to justify any public expenditure, however great, that would materially improve the health of our city. Indeed it is a demand that every citizen has a right to make, that nothing shall be left undone by the municipal authorities to secure the health of the citizens; inasmuch as under the present existing state of things, their property is heavily taxed, at the same time that the presence of disease, for at least one-fourth of the year, prevents them from deriving any benefit from it. But the tax is the smallest part of the evil entailed upon the citizens by the annual visitations of disease. What a vast amount of lucrative business is suspended! What immense sums of money are annually expended abroad, which might otherwise be saved!

These considerations should lead us to others relating to some of the means of promoting the public health. These means should be prophylactic alone—the business of curing disease pertaining solely to the medical profession; that of preventing it, to the municipal authorities. At the present day the sole means adopted by the civil authorities of nearly all modern cities, for the preservation of the health of their citizens, have been limited to quarantine laws, vaccination, and the cleansing of streets. Of the utility of the two latter means there can be no doubt; but of quarantine laws we are compelled to say that they are at least of doubtful efficacy. We sincerely believe them to be quite unauthorised by any conclusions that can fairly be deduced in the present state of medical science. They are a useless tax, and a serious impediment to commerce. All medical science, hygienically considered,

tends to establish that whatever the causes of disease may be, the most effectual preventives are those which regard the body alone, irrespective of the external circumstances of climate, atmospheric vicissitudes, miasmata, localities, contagion, &c.; and that if the body is properly guarded, the abodes of even the most frightful diseases may be visited with impunity. Use the proper means of keeping the human system in a normal state, and we may defy disease in all places. It is because the body is neglected, and no means used to resist the morbid action of external agents, that it becomes diseased. Like a complicated machine, which, if exposed, soon becomes clogged with dust, or corroded by the action of the atmosphere, and thus compelled to discontinue its movements, unless constantly cleansed and guarded against external impediments, the human body needs constant attention far more than any mere artificial machine, since of all organised structures, it is by far the most complicated.

We contend that, thus far, in all public movements for the preservation of health, too much attention and importance has been given to mere external causes of disease, either real or imaginary, and too little to the human body. Little or nothing is done to brace the human machine, to keep its various parts free of impediments; while a constant war, by means of quarantines, fumigations, &c., is waged at great expense against the common enemy, the cause of disease, which is dignified with the name of miasm, malaria and contagion—imaginary beings supposed to reside in swamps and marshy places, whence they occasionally sally forth, on “the wings of the wind,” to visit the abodes of men, and minister to the greedy cravings of the king of terrors.

But why not treat these enemies of mankind, supposing them to exist, as we treat all other enemies? Why not carry on our wars against disease, as we carry them on against our human foes? When an invading enemy appears, what do we first do? Do we proceed against him without preparation, or do we first arm our bodies, and then march out to meet him? We first put the body in a state of defence; and we next try to rout the enemy. On the contrary, in all our wars against disease, the body is the last thing thought of; and while that is left destitute of defence, we vainly hope to rout the common enemy supposed to exist, whose attacks upon our bodies meet with no opposition. We scrape our gutters, fumigate our ships and streets, drain our swamps, and establish expensive and troublesome quarantines, but do little or nothing to brace and fortify our bodies against the poisonous agents of disease and death.

This is only another instance of the baneful influence of false theory. It is supposed that there is a substance existing in nature called *miasm*,

capable of creating disease in the body; when in fact we have no evidence whatever of the existence of miasm. Chemical analysis discloses nothing; all scientific investigations have utterly failed in detecting any thing of the kind; and yet we all talk of malaria as an indisputable existence—a something that exists independent of any condition of the body whatever, and capable of producing in it disease. Hence has arisen the total neglect of the body in attacking the imaginary miasms, which are supposed to exist independently of disease.

A variety of considerations and facts, which we have not time now to discuss, have long since led us to adopt a different theory to account for disease; it is, that disease, instead of being, in any case, the result of the action of any *one* morbid agent, as miasm, is merely the result of a certain combination of circumstances, and that the character of the disease varies with the combination of circumstances; that health, also, is entirely dependent on a combination of circumstances; and that we have just as much right to suppose the existence of some one *single* invisible agent, whose office it is to produce health, and can alone produce it, as to suppose the existence of miasm. We have just as much right to suppose that there is some single invisible agent in existence capable of converting a diseased combination of circumstances into a healthy one, as to suppose the existence of miasm. *Disease* is merely a *name* given to the result of a certain combination of circumstances, differing from that combination the result of which is called *health*.

The conclusion deduced from this is that to preserve health—we should study to discover and preserve that peculiar combination of circumstances constituting health, instead of fighting those invisible agents of the air called *miasms*, which have been created to satisfy the vain desire of those who are ever seeking to be able to assign an adequate cause for every thing.

It is a notorious fact that nearly all the means adopted by government to prevent the spread of disease, have failed in arresting its progress. And why? Because, misled by a false theory, they have directed all their attention to the destruction of miasm and contagion, imaginary monsters supposed to be found lurking in swamps and the holds of ships, instead of directing their attention to the body, and using such means as would tend to preserve it in that vigour necessary for enabling it to resist disease. If their attention had been directed to the human body alone—to the study of the combination of circumstances which originates health—and to the best means of preserving that combination of circumstances, they would have discovered, long since, the folly of quarantines and fumigations, have adopted quite a different code of health regulations, and have expended the money thrown away on quarantines, in furnishing

facilities for preserving the health and promoting the comfort of the citizens.

It was not my design, in this paper, to attempt to enumerate all of the best means of promoting the public health, for that would be entering upon a field of discussion that would require a volume ; but simply to call the attention of the public to one of the most efficient, and in former ages of the world, one of the most popular means of promoting the health and comfort of the citizens : I allude to the establishment of **PUBLIC BATHS**, which should be free to all, or at so small an expense as to place them within the reach of all.

The utility, or rather, I should say, the absolute necessity of bathing frequently in this southern latitude, cannot be doubted. The extreme and long continued heat, requires a constant resort to means of cooling the system, and of counteracting the many derangements which the heat of the climate will sooner or later produce ; and nothing seems so admirably calculated to effect this as the judicious use of the bath. It would be difficult to convey, in a limited space, a sufficiently complete idea of this most powerful means of preserving and restoring health. The warm bath, that is, one of the temperature of from 76° to 98°, Fahrenheit, is not only an invaluable means of preserving health, but it is a great and almost indescribable luxury, especially in warm climates. No wonder that the ancients, especially the Romans, carried the practice of bathing to such an extent. Why it should have fallen so much into disuse in modern times, is difficult to determine. Since the fall of the Roman Empire, the maintenance of public baths for the use of the people, and as a means of promoting the public health, has ceased entirely to engage the attention of governments. Public baths, created at the public expense, are entirely unknown at the present day ; and notwithstanding the extreme necessity for them in the cities of our hot climates, the advantages to be derived from them are quite beyond the reach of the great mass of the people. Even at the lowest rates at which warm baths can be procured, the expense of enjoying them as often as necessary, is quite too considerable for the mass of the people, and the consequence is, that one of nature's greatest and best remedies for disease, and one of the most effective preventives against the diseases of all climates, and of those of hot climates especially, is entirely withheld from them.

Bathing is a powerful and most agreeable preventive against diseases, and particularly fevers, by lessening the heat of the body, tranquilizing the irritability of the nervous system, regulating the vascular system, bracing the relaxed solids, and cleansing the skin, thereby removing a primary source of disease. It invigorates the whole system ; and to an

increase of bodily strength, it adds exhilaration and a delightful serenity and cheerfulness to the mind.

It cannot be doubted that a regular and judicious use of baths is a preventive of many diseases. That they have cured many diseases is known to all; and it is highly probable, that many forms of serious and distressing disease, with which some are afflicted during a long course of years, would be entirely unknown among us, were baths in general use. Many a constitution would be saved from ruin, and many a doctor's bill avoided, by a regular use of the warm bath. There would be less suffering, more cheerfulness and vivacity, greater length of days, and a more complete enjoyment of existence.

Modern nations have borrowed from the ancient Romans almost every thing worth borrowing, except their magnificent baths. Such a thing as a public bath, erected at the public expense, and free to all without charge, or for only a mere pittance, is quite unknown in these modern times. We do much to cure disease when contracted; we erect large hospitals and infirmaries; but in all that pertains to the prevention of disease, we are singularly deficient. The Romans thought it as important to have a public bath, as a public market, or a temple. Even the little provincial Roman towns had their public baths. Bathing and gymnastic exercises were regarded by the ancients as necessary for the preservation of health; and although more importance was attached to them by the Greeks and Romans than by the moderns, we do not know that they have lost any of their importance. Rome, for more than five hundred years, had fewer physicians than baths, and it cannot be doubted that their constant bathing and gymnastics contributed not a little by rendering medical skill less necessary, to that degraded state of the medical profession which is known to have existed at Rome. Their gymnasia were dedicated to Apollo, the god of physicians, and the directors of those establishments, as well as the persons employed under them, the bathers, and even slaves, were physicians. Though we read nothing of homœopathy among them, yet *hydropathy* was certainly in all its glory at Rome, and among the Greeks. With them exercise and water cured almost every disease. Musa, the physician of Augustus, was the great champion of hydropathy among the Romans; and the success of his practice on his illustrious patient was so complete, that hydropathy became exceedingly fashionable at Rome; but like our modern hydropathists, he seems to have made some sad mistakes; for we read in Pliny, that he was accused of having caused the death of Marcellus, by his cold water practice. Much quackery prevailed at Rome, although it does not appear to have prevailed as much as at the present day.

It is not a little surprising, that a practice which prevailed so gene-

rally among the ancients, should have so entirely fallen into disuse among the moderns ; and the more so, because of all things, health and life are deemed the most precious. Assuredly, it is not because we have discovered that bathing is not essential to health. The experience of eighteen centuries, in addition to that of the ancient Greeks and Romans, has completely established its absolute necessity, in order to the preservation of health ; and yet bathing is greatly neglected, and the idea of establishing baths, at the public expense, is one which we fear will not be speedily adopted ; though such a thing is greatly to be desired. The idea that baths are rather a luxury than a necessity, is too prevalent ; but nothing could be more erroneous than this. They are both a luxury and a necessity ; and in this they are unique. They are like food, necessary for the well being of the body ; but like food, they must be judiciously used. Too much food, and too often, will soon produce disease. It is the same with baths. But it is not our purpose here to define the rules of bathing, but merely to urge the importance of the establishment of public baths, at the public expense, for the benefit of the people at large.

It is not too late now, for us to revive the ancient and invaluable method of preserving the public health, by the establishment of public baths. Every city, and especially every southern city in our country, like all the principal cities and towns in the Roman empire, should have its public baths, where every citizen, male and female could, as often as necessary, have access to a warm or cold bath, as may be prescribed, either free of charge, or at an expense so trifling as to prohibit not even the poorest citizen. The Roman baths, which were constructed with great magnificence, were open to all, as Cicero informs us in one of his orations, and as we read in Seneca, for a *quadrans*, the smallest piece of money coined in his time and afterwards. Horace bears testimony to the same low price of the Roman baths, in his third satire :

Ne longum faciam, dum tu *quadrante* lavatum
Rex ibis, neque te quisquam stipator, ineptum
Præter Crispinum sectabitur :

Now the Roman *quadrans* was worth a little more than the fourth part of one cent ; so that a Roman citizen could bathe four times in the warm baths of Rome, so renowned for their magnificence, for a little more than *one cent* ! From a passage in Juvenal :

Nec pueri credunt, nisi qui nondum ære lavantur,
we may infer that children, below a certain age, were admitted to the baths free of charge ; and from an inscription found at Rome, we learn that all strangers and foreigners had also free access to them.

The habit of bathing prevailed among the Romans at a very early

period. The bath was regarded by them as one of the necessities of life; and though at first they were used only by the wealthy, it is certain that baths for the public were erected long before the time of Christ. The Romans were pre-eminently a warlike people; and the necessity for a healthy robust population, whence the Roman legions might be replenished, made the subject of the health of the citizens a matter of the first importance. This consideration, doubtless, had its weight with the Roman government, and although, other causes may have operated, this alone was sufficient to justify the erection of baths, at the expense of the Republic. Doubtless, a desire for public baths was, in the first instance, excited by a custom which prevailed among rich competitors for the honors of public office, of seeking the favor of the people, by giving them a day's bathing in their splendid baths, free of expense—a practice far more commendable than some of those of the present day, for attaining the same end. We are told, by Dion Cassius, that Faustus, the son of Sulla, furnished warm baths and oil for the people of Rome gratis, for one day; and that Augustus, on one occasion, furnished the entire population, free of expense, for a day, not only with warm baths, but even with *barbers*; and at another time, for a whole year, and to the *women* as well as to the men! Those must have been glorious times for barbers; and, truly, Augustus was an Emperor worth having. It would seem that the Roman plebs, at length, fell so much in love with these delightful means of seeking their favor, that, omitting the barbers, it became expedient to grant them the baths in perpetuity; and then the Roman rulers vied with one another in the magnificence, splendor and number of the baths which they erected.

The Roman baths, though at first intended for the common people only, became frequented, as early as the time of Julius Cæsar, by the wealthy, and by those of the equestrian and senatorian orders. We read, at that time, of no less a personage than the mother of Augustus making use of the public bathing establishments; and in process of time, even the Emperors themselves bathed in public, with the meanest of the people. Hadrian, we are told, often bathed in public, *cum omnibus*; and the virtuous Alexander Severus often did the same, returning to his palace in his bathing dress.

The public baths of the ancients were of vast extent, consisting of a great number of apartments. Such vestiges of these stupendous edifices as have escaped the ravages of time, serve to indicate the amazing magnificence of the age in which they were erected, and of the vast wealth and great refinement of the Roman people. It was not until the age of Augustus, that these vast structures for the health and comfort of the Roman people, became distinguished for their grandeur and magnifi-

cence. Their pavements were mosaic; the ceilings vaulted, and richly gilt and painted, and the walls were encrusted with the rarest marbles. They were ornamented with the finest specimens of Greek sculpture; and uniting the beautiful with the useful and necessary, they served to adorn the Roman cities, while they added to the health and comfort of the Roman people. The best idea, perhaps, of the grandeur and beauty of these prodigious works of Roman magnificence, may be derived from the fact, that the Pantheon, still existing at Rome, served originally as a vestibule to a portion of the public baths. It was ranked, by Pliny, among the wonders of the world. Agrippa, the son-in-law of Augustus, considering it too magnificent for a vestibule to the baths, is said to have added to it its portico, thus converting it into a temple, which he dedicated to all the gods.

The remains still visible, at Rome, of the ancient bathing establishments or *Thermae*, as they were called, cover a vast extent, and sufficiently attest their former magnificence; but, besides these ruins, and the copious accounts given of the ancient baths, by various writers, the excavations of Pompeii have supplied a vast amount of information on this interesting subject. In 1825, there was laid open, by the excavations at Pompeii, a complete set of public baths, with many of the chambers, even to the ceilings, in good preservation, and agreeing, in all the important parts, with the descriptions given by ancient authors. At Rome, the ground plan of three of the public baths is still to be traced; and, fortunately, that of Caracalla, perhaps the most splendid of them all, is one of the three. That the reader may obtain some idea of the manner in which the Roman *thermae* were constructed, we give on the opposite page the ground plan of that of Caracalla:

The Roman baths were of two kinds, the *balneæ* and the *thermae*. The former consisted of simply cold and warm baths; the latter combined all the appurtenances of the Greek gymnasium, with baths warm and cold. They possessed all the conveniences for gymnastic exercises and sports, together with *exedrae* fitted up with seats for the philosophers, who usually made it a resort for conversation. These *exedrae* were also the places in which the rhetoricians declaimed, the poets recited, and the philosophers lectured. The walls of these literary resorts were decorated with the finest paintings and statues, and out of them there were passages leading to the shaded walks and gardens, adorned with beautiful fountains, like the groves of the Academy. There it was that philosophers delivered public lectures; and there also were public libraries for the learned, and porticoes and vestibules for the idle. But, whatever these *exedrae* may have been at first, it appears that in later times they were monopolized by the poorer sort of poets, whose long and frequent

recitations became a grievous annoyance. Juvenal exclaims in reference to these :

Semper ego auditor tantum ? Nunquamne reponam
Vexatus toties rauci Theseide Codri ?

And Horace, in his fourth satire, censures severely the public displays of inferior poets in the *exedrae* of the public baths :

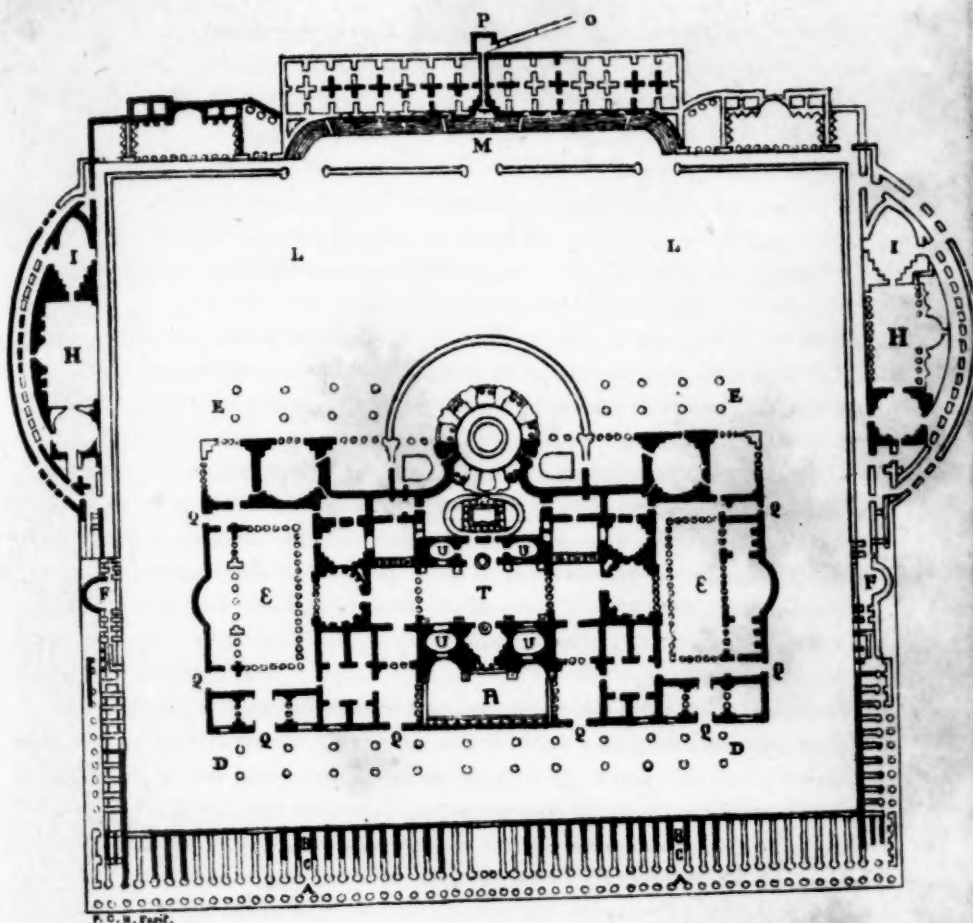
Non recito cuiquam, nisi amicis, idque coactus,
Non ubivis, coramve quibuslibet. In medio qui
Scripta foro recitant, sunt multi, quique lavantes ;
Suave locus voci resonat conclusus. Inanes
Hoc juvat, haud illud quærentes, num sine sensu,
Temporè num faciant alieno.

The officer called *gymnasiarch*, in the laws of Solon, regulating the Greek gymnasia, the prototype of the Roman, was required to suspend all recitations of teachers, philosophers, and sophists, that might exert a pernicious influence over the juvenile portion of their audiences.

In the preceding view of the *thermæ* of Caracalla, F F were these famous *exedrae* : A A a vast portico in front of the baths ; B B were separate bathing rooms for those who did not wish to bathe in public ; C C *apodyteria* or dressing-rooms ; D D E E porticoes ; H H *stadia*, for foot-racing, wrestling, etc. ; I I schools or academies, where public lectures were delivered ; L L space occupied by walks and shrubbery ; M the arena or stadium, where the boys performed their exercises. It was furnished with seats for spectators, and called the *theatridium* ; O aqueduct for supplying the baths ; P a cistern, Q Q principal interior entrances ; R cold baths ; T U U U warm baths ; e e places for exercise.

These baths were two stories high ; and the external range of buildings occupied one mile in circuit. A more minute description of them here would occupy too much space ; we can only refer the reader to works on Roman antiquities. In the earlier ages of the Roman Republic, the *balneæ*, at least, were provided with separate apartments for the Roman ladies ; we find such a division made in the baths of Pompeii. But during the Empire, when the *thermæ* came into use, and excessive wealth had corrupted the Romans, and entirely destroyed the ancient purity of Roman manners, the men and women, as we read in Pliny, in a state of perfect nudity, bathed promiscuously in the same baths. Edicts against the practice of promiscuous bathing, by the two sexes, were published by the Emperor Hadrian, and also by M. Aurelius Antoninus, and by Alexander Severus ; but the practice was suppressed only with the greatest difficulty. And when to this we add the fact, that the Roman people could view with delight, the shedding of human blood, and the slaughter of human beings, in gladiatorial combats on the public theatre, we have a picture of Roman morals unsurpassed, if equalled, in





BATHS OF CARACALLA.

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blackness, by anything else of the kind to be found in the annals of any nation or people.

According to different authors, there were at Rome about eight hundred public baths. The most celebrated were those of Agrippa, Antoninus, Caracalla, Dioclesian, Domitian, Nero, and Titus. Dioclesian is said to have employed forty thousand of his soldiers in building his baths, and to have destroyed all the workmen when they were finished. His baths were capable of accommodating eight hundred bathers.

We have dwelt thus largely on the subject of Roman bathing, not in the expectation of producing anything new on the subject, but for the purpose of directing the public attention to a matter of the utmost importance to the community at large. What was proved to be so conducive to the public health two thousand years ago, is not less so now, and therefore not less a matter worthy of the public attention. Would not the revival of the ancient custom, of erecting *thermæ* or public baths, for the use of the people at large, be one of the happiest improvements of modern times? This can hardly be doubted; and the honor of the revival of this ancient and classic custom, we trust, may pertain to the city of New Orleans, which from its situation and natural advantages, must in process of time vie with ancient Rome itself, in extent, wealth and population, and with the blaze of the 19th century upon her, far surpass her in every thing else.

In anticipating objections that might be urged against the erection of public *thermæ*, there is but one that will offer much difficulty—the immense expense attending their erection. It is true, that the expense would be great, but so would the advantage: yet if, like the Roman *thermæ*, they were so constructed as to serve the double purpose of public baths and public buildings, it would be no loss of the public money. The revenue from the baths would support them, and the rent arising from the other portions of these public edifices would be a source of revenue. Situated, as they should be in the most central part, on the vacant space, yearly growing wider and wider, in the front of the city, they would be in the very centre of business, and every apartment subject to rent would command the highest price, and be eagerly sought. Besides, were the *thermæ*, in imitation of those of Rome, built on a scale of magnificence and on a classic model, they would be a splendid ornament to the city, as well as a source of health and comfort.

I shall not detain the reader longer; and if what I have written may serve to awaken the public attention to this important means of preserving the public health, my object is attained. It might seem to some a subject more fitting the pages of a medical journal than those of a commercial periodical; but as this is emphatically a commercial city—a city

of merchants, and as it is they who are chiefly concerned; and they, too, who are always foremost in every great public improvement, we have chosen this medium.

It would be a novel and interesting sight, to see revived, after a lapse of many centuries since the downfall of the Roman Empire, and in the New World, quite unknown to the ancients, the *thermæ* of Imperial Rome. The changes of eighteen centuries would necessarily require some deviation from the Roman prototype, but the chief outlines of the classic model would still remain; the spacious halls, the fountains, the shrubbery, and the lofty porticoes could still be retained; and the pedestals and niches occupied by the statues of the immortal gods, would now give place to gods greater than those of the Greek or Roman Olympus—the statues of Washington, of Lafayette, of Jefferson, and of Franklin!

—Egregias animas, quæ sanguine nobis

Hanc patriam peperere suo.

These are the divinities, who, under the guidance of the great and incomprehensible God of the universe, laid the foundations of our noble Republic, and who would now appear in our public *thermæ*. Nor now would our *ædæ* resound with the vain reasonings of pagan philosophers. The absurd physics of Lucretius and Democritus, would give place to those of Newton and La Place; and the wild vagaries and subtilities of the Platonic and Epicurean philosophy, to that of the enlightened age in which we live.

ART. IV.—THE CONTRACT OF MARRIAGE.

The foundation of society has been justly said to be property and marriage. The latter is, therefore, affinity with commerce, and matter of proper inquiry in the present work.

We think there is, in some quarter at least, a want of learning upon the subject of the marriage contract. One party draws round it many sacred ceremonies as incident and essential to its validity; others reject these, and form an apprehension of being thought too much devoted to sacred things, render the contract a much looser engagement than the swapping of a horse.

In a late number of the Alabama Reports, there is a decision of some interest, so far as this question is concerned, and which, by *obiter dictu*, materially affects the doctrines on which the contract of marriage has usually rested. We refer to the case of *The State v. Murphy*, 6 Ala. R. pp. 765.

The judge who delivered the opinion in that case maintains the opinion, that the contract of marriage depends, not on the *juris naturalis vel juris divini*; but altogether on the *juris positivi*. It is to be regretted that the court did not look a little beyond Mr. Justice Blackstone, before committing itself to this view of the matter, and setting it up as a standard. However such a rule may answer in a heathen age or in one notorious for irreligious license, it appears to us that in a christian nation, it is an unsafe doctrine that the contract of marriage has no other authoritative sanction, than what any and every lawgiver may institute; and that even the most strict of these may or may not be enforced, they being directory.

To understand the extent of mischief to which the particular decision may lead, we only need refer to the facts of that case.

John Henry Watts, having falsely represented to Miss Buckalow and her parents, that he had obtained a licence under the act to marry her, and producing a forged licence, the marriage ceremony was performed by one Sterling B. Parker, falsely representing himself to be a magistrate—she and her parents consenting, &c.

The court says, *per Collier, C. J.* :

“*Quere.*—Are not the statutes in respect to the obtaining a licence to celebrate the contract of espousals and the form of its solemnization, directory merely; and is it not competent for persons of proper age to consummate the contract *per verba de presenti*, without a licence or the interposition of one of the functionaries designated by law?”

In our judgment, and we think it fully sustainable by excellent authority, the true principle of the contract is this:—That although the positive law may define the nature and kind of evidence by which the engagement of marriage is proved, yet that the engagement itself is of divine authority, and that a heinous offence is committed against religious as well as moral sanctions, when all control of a religious nature is frittered from the contract. As well, indeed, may the court say, that we should adhere to the sacrifices of Diana, as to assert, that the positive law established before the christian dispensation, should regulate marriage in direct opposition to direct scriptural authority.

The maxim so often in the mouth of the common lawyer, *consensus non concubitus facit matrimonium*, is not the whole soul of the law concerning marriage. That maxim was not adopted as an assertion, that consent is the only principle of this engagement; and that, if this be obtained, the parties being otherwise capable of contracting, the whole sum of the legal requisition is performed. The reason of the maxim is evident in its terms—which reason is, that bare sexual connection shall never be considered indispensable to marriage; consent, not cohabita-

tion, being of the essence of the contract. But there is a difference, overlooked by the Alabama judge, between the contract and the proof of it, or the proof of the legal guards thrown around it. While he, too, confines consent to the will of the two parties, we say, the consent of the law is also necessary—a consent never given, until what the divine as well as the natural and positive law requires to be done, be in fact done. This is the reading of the civil law from which the maxim has been borrowed; a borrowing like others, artfully suppressed by Blackstone, and not known to many who quote him as authority. “*Ad nuptiarum formam, nec concubitus requiritur, nam nuptias non concubitus, sed consensus facit.*” Cohabitation is not more indispensable to the essence of marriage, for it is not cohabitation which makes the marriage, but the consent.—*Pandectarum Lib. 23, Tit. II., Sec. 3, p. 6.*

When, therefore, we find it asserted that consent makes the marriage, it is to be understood of a consent of both the parties and the law, and a consent proved in the legal mode. A consent given under circumstances wholly foreign to what God has established in order to keep the connubial state pure, is no consent at all. We look upon marriage as an engagement, the validity of which is enforced—1st, By certain divine regulations; 2d, by the municipal direction. The performance of whatever scriptural authority has prescribed, it should be the duty of the positive law to enforce: and a relaxation of the former by the latter, tends not less to break down the religion and morals of men, than the peace and good order of society. Indeed, in every point of view, the institution of marriage is a highly sacred and important affair; and it is easily proveable, that the ceremonies connected with it, are not only proper to be observed as a divine regulation, but as a protection of the best interests of men individually and socially.

The institution as one equally affecting the happiness of men and the well-being of society, has been prescribed by divine authority, and required absolutely to be accompanied with certain solemn rites. The necessity of marriage; the age at which it should be consummated; and as between what persons; nature suggests. The positive law regulates, supplies, explains, and enforces these. It has sometimes, too, interdicted marriage—and if it has unlimited authority over the subject, because responsible to no power beyond its own arbitrary rule, the declaration of those who have said government has no right to interfere, by allowing some to marry and forbidding others, is not true; and still such power must be given, if it is allowed to government to make marriage or not, depend on the simple consent of parties. For acts of interdiction are as valid, as are acts refusing to recognize the divine regulation of marriage.

It is a beautiful sentiment of Demosthenes, that the laws are the

morals of the state ; but it does not appear to us that there is much morality in the decision, that a statute requiring a license, is merely directory. On the contrary, we believe such a provision the reverse of a mere direction—a wise and salutary requisition, and intended as the official proof that what is indispensable to marriage, both by divine and municipal law, does in fact exist. Why not determine that the law requiring a will to be attested by two witnesses, or that making it necessary that a contract binding one for the debt of another, should be in writing, is directory? Is marriage an engagement of less importance, or does it involve obligations of less permanent and extensive character, than any other contract? Would a statute recognizing and enforcing the natural and revealed interdiction against marriage within the prohibited degrees of affinity, be merely a direction? Truly, those who assume that consent is the only requisite of the marriage contract, have, in their investigations, stopped short of the best authority on the subject. They have drunk low down, not at the source of the stream of the law, but at places where every dabbler has puddled, and complacently congratulates himself that he has lived at the fountain head.

The civil law, the source of all regulations on this subject, was less Pagan by far than either the common law, or the Alabama decision. It did not authorize any and every person, without the prohibited degrees, and of legal age, to become legally husband and wife merely by consenting to become so. The civil law invariably regarded the rights of the church ; and the marriage of the orthodox with heretics was always declared invalid. The proof of this, is also proof that the fountain head of all positive law with respect to matrimony, did recognize some divine authority over it, and enforce the observance of the rites set forth by that authority. It will not, therefore, answer for the advocates of a contrary doctrine, to assert that the civil law sustains them. But to shew what the civil law does declare, let us turn to the Pandects.

“Maximum autem cogitur pater hereticus liberos orthodoxo in matrimonium collocare cum orthodoxis, et eis dotem aut donationem *propter nuptias* sappeditare.”—*Lib. xxiii., Tit. ii.*

“Regulariter ut justæ sint nuptiæ, requiritur tam virum quam mulierem, qui eas contrahunt, esse cives Romanos. Tamen ex privilegio, interdum populus lege singulari concedebat, quibusdam jura connubiorum cum civibus Romanis : cujus rei exemplum vide apud Liv. xxxviii. 36.

If it was thought necessary for the protection of society, in these early times, and by Pagans, to recognize and enforce the *religion* connected with marriage, what should be thought now of such a requirement under a christian dispensation? How far both the old and new testaments go in the recognition of marriage as a command from God, it is not essen-

tial in this paper to enquire. This part of the matter may be waived, and yet on every principle regulating the welfare of men in life, the argument in favor of a rigid observance of every rule specified in the positive law, would stand unanswered.

The consequences that would result to society from an adoption of the Alabama decision, would be, that marriage instead of being regarded as a highly solemn and important engagement, as in the forcible idea of the civil law, the union of man and woman, and the partaking of one lot, rendering all divine and human rights common between them during life, it would be a careless civil contract, a boarding and bedding together, per agreement, merely; unconnected with any higher moral or religious sanction, than the purchase, at a stipulated price, of a piece of flesh from a butcher's stall. That to carry out the principle of the rule, the law touching the remedy for breach of a promise of marriage would become obsolete; for every seduction of an unmarried female, on a promise of marriage, would be raised from the position of a seduction to a legal marriage, embracing consent the only requisite of a marriage, and thus the most sacred tie of life be rendered equally efficacious and equally venerable, whether perpetrated at the altar, accompanied with all the religious ceremonies of the church, or beneath the lascivious sheets, and amidst the lustful promises of the seducer. If the law is truthful in the Alabama decision, this latter must unquestionably result.

Let it be remembered, however, that our purpose is not so much to complain of this decision, as to ask, if it be truly law? While it occurs to us, that it would be impolitic on the part of the courts, in construing the positive law, to abrogate any of its smallest requirements with regard to this to society, and to individuals the most important of all engagements; and while, also, there seems to us some inconsistency and want of understanding as to law, and how far, in this country, it is to be viewed as a merely civil, or a religious and civil contract, still we perceive that by the law as declared, the women of the country are to be immensely the gainers. For, certainly, if neither the license or the officiating functionary be essential, and the consent of persons of legal age be the only requisite, the Lotharios of the country must be careful that their love tales and ardent promises, prove not more than mere poetic licenses. In truth, we would rejoice for the sake of defenceless and confiding woman, so long and so often the prey of man, and of her confidence in his pledges, to see every case of seduction, where it was the result of a promise to marry on the part of the man, declared a valid and legal marriage, with liberty to the wife to seek a divorce for the fraud, but leaving it binding as a marriage, on the rude violator of female innocence.

ART. V.—ELEMENTA JURIS CIVILIS.

[Continued.]

Heinneccius, Section 22. Finally, on the same principle it readily appears, 8th, That when the meaning of the law is entirely deficient, the law also, is deficient : but, 9th, That the law does not lose its vigor, if the meaning be deficient in certain cases only—for example, though a youth before he has beard (be of mature age) be discreet, he will not be able to make a will any more on that account, than other youth of the same age.

Section 24. Since it is, moreover, the business of the jurist, also to apply laws to the cases which arise, it follows, 1st, That he who carries into the Forum undigested opinions, and realises gain by overturning the fortunes of others, is not a jurist, but a Rabula ; not a lawyer, but a petty-fogger. 2nd, That he keeps the name of jurist, or one skilled in the law, who is trustworthy for *giving an opinion, for pleading, for taking care that no evil results, and for judging.* 3rd, That such a one is truly the priest of justice, the oracle of his state, the honor and the ornament of peace. 4th, That they are absurdly foolish, who consider every one the worse christian, the more he is skilled in law : Thus, truly, no one will be a christian, except him, who having cursed the study of the laws, with Tertullian passes from a state of refinement, to one of barbarity.*

Title 11. Concerning the origin of Law ; and of Magistrates ; and concerning the succession of jurists.

Section 25. Thus far we have treated of law in general. Now we treat concerning its origin ; Pomponius being our guide, whose fragment Reinoldus has learnedly vindicated from the suspicion of falsification ; and that most excellent man, Bynkershoek, from various reprehensions of the learned.

Section 26. But since Civil Law, concerning the origin of which we are now treating, must be suited to the condition and benefit of the commonwealth ; and the Roman Republic underwent, for the most part, three changes ; there ought to be also as many ages and periods of law. For in the beginning, the city obeyed Kings during 224 years. Then, when they were expelled, liberty fluctuated between the almost perpetual discords of the Nobles and the common people. Lastly, no

* The words here rendered *refinement* and *barbarity*, are, in the original *Toga*, and *Pallium*. The *Toga* was the Roman gown ; the *Pallium*, the Greek blanket ; and among the Romans those who used the *Pallium*, instead of the *Toga*, were looked upon as barbarians, or Greeks.

one opposing, the Cæsars drew all things to themselves, being absolute monarchs, although they were without the name.

Section 27. As Rome was a colony of the Albans, but colonies religiously maintained the sacred institutions and manners of their ancestor, it is very probable that the first colonists brought Alban laws to Rome. Hence, at the first, the Roman people had began to manage without fixed law, with a certain law written, for example, and all things, those which the good of the Republic seemed to extend beyond the customs of their ancestors, were governed with force by the Kings—Romulus, for a short time, and T. Tatius, his colleague, afterwards.

Section 28. Afterwards Romulus divided into thirty *curiæ* or wards, the people to whom he had left the power of making laws, of creating magistrates, and of determining concerning peace and war; and thus, he enacted, for the people, certain laws, relating to the *curiæ*.

Section 29. And the succeeding kings made laws. For Numa gained over the people by religious ceremonies, and some things were devised by Tullius, and by Ancus; but especially was Servius Tullius the establisher of laws, which even kings obeyed. All these things did Tarquin the Superb, abolish.

Section 30. The Kings having been expelled by the Tribunicial law of L. Junius Brutus, tribune of the royal body-guard, their laws also, began to grow into disuse, and the citizens began again to act more from unsettled law, and from custom, than according to any enacted statute; and this the people suffered for near sixty years. So that the Republic was not then without all law indeed, but without written law; for the laws of the kings not having been removed from use, but being observed in the place of established customs; were afterwards transferred for the most part, to the twelve tables.

Section 31. From this time, not under the government of Tarquin the Superb, but when the kings were driven out, C. Papirius united the laws of the kings to the sacred law of Numa, and wrote it in his sixth book. Whence originated the Papirian law, on which there was a well written commentary of Granius Flaccus.

Section 32. In the meantime, the Republic being unsettled between the wishes of the aristocracy and the common people, and neither yielding to the other the power of making laws, at length, it pleased them to send to Greece, three men, to seek laws from thence. Therefore, such being procured, which at any time came in their way worthy of regard, the Decemvirs having been appointed for the sake of making laws, and following the advice of Hermodorus, the Ephesian, they compiled, at first, ten tables, to which, afterwards they added two others. And these having been approved by the votes of the people, in so great

a mass of laws piled upon other laws, were the fountain of all public and private laws.

Section 33. For from them, those skilled in the law, afterwards, by interpreting, drew out very many things, which were not manifestly contained in the words. They also, by the disputation of the Forum, brought to a certainty, many controversies of law. All which things, in a more strict sense, come under the name of civil law.

* Section 34. The same jurists are the authors of the ACTIONS of the law—that is, 1st, of the rules, and forms of words with which men debated among themselves—2nd, of certain formalities, by which the actions of voluntary jurisdiction* in the presence of the magistrate, were to be set forth.

Section 35. From these differ, in some degree, the ACTS† made according to law likewise set forth in a formal manner, but not before the magistrate. But, in that, the condition of each is equal, because they admit, 1, neither a day, nor 2, choice, nor 3, an agent, nor 4, can they be made a second time, and 5, they cannot be set forth by a pupil without authority of the tutor.

ART. VI.—ON THE ABROGATION OF TREATIES BY WAR.

The following is an extract from the *fourth edition* of the History of Oregon and California, now in the press from the pen of Robert Greenhow, Esq., Translator and Librarian to the Department of State of United States. It is devoted to the argument of a point of international law, which has been strangely neglected by writers on that branch—"how far a war destroys the provisions of a treaty."

The nature and extent of general treaties are clearly and forcibly exhibited, and the grounds assumed supported by arguments of convincing power. All such compacts as have an object determinate and complete in themselves are shown to be exempt by their nature from any of the changes

* *Jurisdiction*, in the Roman law, signified the functions of certain magistrates. Hence, by *voluntary jurisdiction*, is meant a jurisdiction over certain acts, which became valid when done, with certain forms before the magistrate, such as adoption and manumission; and which were voluntarily submitted.—It is opposed to *contentious jurisdiction*, which was exercised over persons, contesting among themselves.

† The word *acts* (*actum*) had a technical meaning in the Roman law, signifying certain things done—*actus legitimi* were defined by Godefroy generally, all such public and private affairs as were submitted to certain legal and solemn forms.

incident upon a state of war and from the character of perpetuity which they acquire not abrogated by its formal declaration. This we consider as fully established by the argument.—EDITOR.

The alliance between Great Britain and Spain proved so disastrous to the latter, that she was obliged, in July, 1796, to make peace with France, and in October following, to declare war against her former ally, Great Britain, which lasted, with the intermission of two years of doubtful relations after the treaty of Amiens, until 1809. From the moment of this declaration of war, the Nootka Convention ceased to have effect, agreeably to the universal rule of national law, observed by all civilized states, that *all treaties expire on the commencement of war between the parties to them*. From that moment all the privileges allowed, and restrictions imposed, by the convention, were terminated, and each nation was left at liberty to pursue its own course with regard to the seas and territories to which that agreement related. Spain might again claim the exclusive navigation of the Pacific and Southern Oceans, and the exclusive sovereignty of the parts of America bordering on them; and Great Britain might again assert her right to sail in any open sea, and to occupy, and possess in sovereignty, any vacant coasts.

NOTE.—On this question of national law and usage, it will be convenient here to present a few observations.

A treaty or convention is a record of engagements between two or more nations, to perform, or to abstain from, certain acts, under certain circumstances of time, place and occasion, as specified either directly or implicitly by the terms of the compact; and as these engagements are supposed to be for the advantage of one or more of the parties, so are they necessarily understood to subsist only during peace between them, unless otherwise especially declared. (Vattel, Book 3, chap. 10, sec. 175.) A nation, when resorting to war, by the same right employs every means in its power to distress its enemy, and to benefit itself; without regard to any engagements not specially referring to a state of hostilities, or to any restrictions as to the means employed, except such as it may choose to observe, from respect to the dictates of humanity or the opinion of the world.

War between civilized nations commonly ends by consent of the parties, expressed in a treaty of peace. The mere declaration that there shall be peace, however, establishes nothing more than that hostilities between the parties shall cease from that moment: it merely reduces them to *inertia*; the restoration of conquests, the evacuation of territories invaded, even the release of prisoners, must be made the subjects of separate express stipulations. In all points for which provision is not thus clearly made, each party may legally remain in the exact position held by it at the moment of concluding the treaty of peace. (Vattel, Book 4, chap. 2, sec. 19, 21.) That such is the practice of nations, every treaty of peace will show; and none more unequivocally, than the two between Great Britain and the United States.

The restoration of peace, therefore, does not of itself produce necessarily a revival of engagements existing when the war began. As the peace is supposed to be made with the free will of all the parties, so must the revival of former engagements, as well as the contraction of new ones, be regarded as made with the entire consent of each; and it is difficult to conceive any class of agreements, the revival of which may not, after a war, be considered by some party as deleterious to its interests. It is consequently clear, that some general understanding should exist; and that treaties of peace should, in order to answer their end, show unequivocally—what previous compacts are to be restored to force, all others being regarded as null—or which are to be annulled, all others being revived. To leave such points undetermined, would be only to open the way for a speedy rupture of the peace.

Of the two alternatives thus presented, the simpler rule is evidently that—*which leaves extinct all engagements made previous to the war, except those restored to force by the specific terms of the treaty of peace*; and that this rule has been pursued invariably by civilized nations, ever since national law was first defined and reduced to principles, all the treaties of peace made within the two last centuries prove beyond question. Thus the treaties of Utrecht, in 1713, of Aix-la-Chapelle, in 1748, of Paris, in 1763, and of Versailles, in 1783, distinctly declare what treaties, existing previous to the war ended by each compact, are to be renewed, either wholly or in part, unconditionally or with exceptions; all others being *ipso facto* considered null and void. The French revolution so completely changed the face of Europe, that the plenipotentiaries at Amiens, in 1802, found nothing in previous treaties which could not be expressed more easily by new stipulations; and the treaties of Amiens were in their turn considered as nearly obsolete in 1814, when those concluded at Vienna again referred to provisions made at Utrecht a hundred years before.

Some eminent writers on national law have however attempted to establish a particular class of treaties, to be called *Transitory Compacts*, including those for cessions or exchange of territory, settlement of boundaries, and other objects, which are to be regarded as “perpetual in their nature, so that *being once carried into effect*, they subsist independent of any change in the sovereignty and form of government of the contracting parties; and, although their operation may in some cases be suspended during war, they revive, on the return of peace, without any express stipulation.” (Wheaton’s *Elements of International Law*, Part 3, chap. 2, sec. 7.—See, also, Marten’s *Precis du Droit des Gens*, Book 2, chap. 1, sec. 5.)

With due respect to those high authorities, the distinction thus proposed seems to be unnecessary, if not embarrassing; and to rest on a misapprehension of the nature of a treaty. The class of *transitory compacts* would embrace only those, which are supposed to be intended to settle a question definitively by some specified act or acts, and do not acquire this character of perpetuity until they have been thus carried into effect. But a treaty is only a record of engagements; when the acts have been completed, the question is closed, the engagement is cancelled, and the treaty containing it becomes merely a proof, to which the parties may refer in substantiation of their rights or claims. A territory

ceded to a nation, or confirmed to it by the settlement of a boundary, under a valid treaty, becomes thenceforth as much its property as any other of its territories; it may, like any other, be transferred with a valid title to another nation, even during war with the party first ceding it, and is neither more nor less than any other subject to the effects of war and of peace. The same principle applies to all recognitions or abdications of rights or powers, which are nothing more than indications of certain acts, to be performed or avoided, for an indefinite period: during war they are of no avail; if renewed by a treaty of peace, they are binding on the parties, like any other engagements; though their non-renewal does not necessarily imply a release from the obligation to observe them, as they may, and generally do, relate to what is already ordered by the law of nature, by common sense, or by the common consent of nations. Thus the acknowledgment of the independence of the United States of America by Great Britain, in the treaty of 1783, was necessary, not only because the latter power had always previously refused and opposed it by arms, but also, in order to show that territories and people were embraced in the new republic; but the repetition of this acknowledgment, in the treaty of 1814, after thirty years of intercourse, in every way, between the two powers, would have been no less absurd than the insertion of an admission by the United States, of the capacity of Great Britain to contract engagements.

ART. VII.—AMERICAN TOBACCO.

In the memoirs of Benjamin Franklin, written by himself, and continued by his grandson and others, in an article upon the savages of North America, vol. 2, page 463, in return for many facts, upon which our Religion is founded, such as the fall of our first parents, by eating an apple, the mission of Christ, and the miracles he performed, a chief of the Susquehanna tribe is reported to have thus replied to the Swedish minister, before whom they were assembled.

“In the beginning, our fathers had only the flesh of animals to subsist on, and if their hunting was unsuccessful, they were starving. Two of our young hunters having killed a deer, made a fire in the woods to broil some part of it, when they were about to satisfy their hunger, they beheld a beautiful young woman descend from the clouds, and seat herself on that hill which you see yonder among the Blue Mountains. They said to each other, it is a spirit that perhaps has smelt our broiling venison, and wishes to eat of it: let us offer some to her. They presented her with the tongue: she was pleased with the taste of it, and said, your kindness shall be rewarded; come to this place after thirteen moons, and you shall find something that will be of great benefit in nourishing you and your children to the latest generations. They did so, and to their surprise

they found plants they had never seen before: but which from that ancient time, have been constantly cultivated among us, to our great advantage. Where her right hand had touched the ground, they found maize, where her left hand had touched it, they found kidney-beans; and where she had sat on it, they found *Tobacco*."

Less inclined to be disputatious than the Swedish minister afterwards so keenly rebuked by the Red man, we yield our credulity with hearty good will to the Indians account of the origin and growth of the weed, and humbly request our readers to do the same.

Next in importance to Cotton is the Tobacco staple of our country. The influence which it exercises upon the commerce of the world, attaches to it an interest alike felt by the planter and the merchant. Its history has been erratic, if we may so speak, and the discouragements to which it has been subjected, has doubtless considerably retarded its growth and consumption. Blended as are these two in the economy of commerce it can scarcely be a matter of surprise that the exports of the present year barely exceed those of 1790. But whatever may have been the causes, which have operated to prevent its extension and use, the position which it now occupies in the trade of the States is sufficiently important to command our attention.

Tobacco* is a name taken from the *Haitine* language.

In Stow's *Chronicles*, [page 1038,] it is asserted that Sir John Hawkins carried it to England as early as 1565. But it was then considered a mere drug, and we are told that "all men wondered what it meant." In Hawkins voyage of 1565, we find the following description of the use of Tobacco in Florida. "The Floridians when they travel have a kind of herb dried, which, with a cane and an earthen cup in the end, with fire and the dried herbs put together, do suck through the cane the smoke thereof, which smoke satisfieth their hunger."

Tobacco was first cultivated in Virginia, by the English, in 1616.—In 1619, King James by proclamation prohibited its sale in gross or in retail, either in England or Ireland, until the customs should be paid, and the royal seal affixed. A duty of 6d a pound was levied by that act, and none was to be sold by the merchants for less than 8s, or by the retailer for less than 10s. the pound. The exports in 1622, amounted to 142,085 pounds.

In 1624, by another proclamation, James I. restrained the culture of it to Virginia, and the Sower Islands.† So deeply was he prejudiced against it, that every expedient was resorted to, for the purpose of pre-

* Clavigero. † Holmes' *Annals of America*.

venting its extended introduction into the country. Its use as applied to smoking was characterized in royal language as a custom "loathsome to the eye, hateful to the nose, harmful to the brain, and dangerous to the lungs." Nor are we without examples in our own country of attempts to fetter its growth and retard its general diffusion. As early as 1640, the General Court of Massachusetts, prohibited the use of Tobacco; upon what grounds it would now be difficult to determine, though a spirit of candor might induce us to suppose in them the same feelings which prompted James I, to interpose the force of his royal authority to a habit so obnoxious, as it was supposed to be, to the health of its votaries.

In 1676, there was collected in England from the custom of Virginia Tobacco, Maryland probably included, £135,000 sterling.*

In a description of Carolina published by a clerk on board his Majesty's ship Richmond, in 1680, we find that tobacco grew well, and they had an excellent sort, mistaken by some of the English smokers for Spanish, and valued from 5 to 8s the pound.

He continues, "finding a great deal of trouble in the planting and care of it, and the great quantities which Virginia and other of her Majesty's plantations makes, rendering it a drug over all Europe, they do not much regard or encourage its planting, having before them better and more profitable designs in action."†

Ramsay in his history of the State of South Carolina, has the following:

"Tobacco is an indigenous plant in America. It had been successfully cultivated in Virginia before Carolina was settled. Little doubt could have existed that it might be made to grow in more southern latitudes, but it does not appear among the articles of export from Carolina, till 1783, and then only 643 hhds, are stated as the amount. In the year following it had reached to 2,680, and in the year 1799, to 9,646 hhds. In the rich lands of the back country it was found to answer well, but the expense of bringing so bulky an article so great a distance to market, left little clear profits. It could not stand in competition with Cotton."

The Virginia Company in regulating the affairs of the colony, fixed the stipend of the minister at 1500 lbs tobacco, and 16 barrels corn, estimated to be worth collectively £200. We all remember the celebrated case of the Parsons, founded upon the regulation we have just stated, and urged at a time when the crop was supposed to be exceedingly short. The defence of the planters was conducted by Patrick Henry. Here it was that he established his reputation, and commanded at once a position among the first orators in the world.

* American Annals. † Carroll's Collections.

Taking a medium of three years from 1747, there was exported to England from the American colonies forty millions pounds weight of tobacco, little less than one fourth of the total exports of the present time. This too, it is but fair to infer was *mainly* from Virginia, for we find that in 1758, Virginia exported herself 70,000 hhds., the average of which was probably over 1,000 lbs., said to be the largest quantity ever produced in that colony in one year. The yield of that State in '44-45, was about thirty millions pounds, about one half of the produce of the year 1758.

* In 1802 the exports of Tobacco from New Orleans was only 2,000 hhds. This fact is of itself sufficient to persuade us of the rapid advance the west has made in agricultural wealth during the last forty years, and the position she is destined to assume. It seems very generally acknowledged that the tobacco crop exhausts the soil in a great degree, and to this fact we must in a measure attribute its barrenness in those States, heretofore the largest producers of the article. In Virginia is this more strikingly apparent and the great decrease in the production, within a few years, attests the force of the opinion.

In Carolina, as has been shown, though at one period in her history she raised to the extent of about 10,000 hhds, it was never regarded as an article of culture sufficiently remunerative to the planter. Though other causes have been assigned for its abandonment, we are not to infer that its destructive action upon the soil, offered no argument in its disparagement.

Viewed in the light of a luxury, and as such we are bound to regard it, Tobacco is in some measure dependent upon its cheapness for the extent of its consumption. As to no other purpose of life is it applicable than to smoking and chewing, it is not at all clear, that "*however great the burden, it is to the individual who uses it, as a matter of but little importance.*" It will scarcely be assumed that the same amount would enter into the consumption of the country, were the price nine dollars per lb., as though it were but one. To suppose this, even should we admit the quantity consumed by each individual to be small, and the consequent lightness of the burthen, which the duty imposes upon him, would be to array ourselves in conflict with the best established principles of political science. But to this point as connected with considerations of another character, we shall have occasion hereafter to direct our attention.

The following estimate of the crop of tobacco, for 1844 and '45, is taken from the Annual Report of the United States Commissioner of

* History of Louisiana, by Judge Martin.

Patents. As we have drawn largely upon these documents for many of the facts herein contained, and particularly with regard to the culture in several of the States, we take this occasion to make our acknowledgements for the information thus afforded us.

	<i>Pounds.</i>		<i>Pounds.</i>
Massachusetts, . . .	123,000	Mississippi, . . .	193,000
Connecticut, . . .	794,000	Tennessee, . . .	37,109,000
Pennsylvania, . . .	535,000	Kentucky, . . .	63,310,000
Maryland, . . .	17,920,000	Ohio, . . .	7,576,800
Virginia, . . .	30,218,000	Indiana, . . .	3,520,000
N. Carolina, . . .	10,373,000	Illinois, . . .	1,168,000
S. Carolina, . . .	40,000	Missouri, . . .	13,744,000
Georgia, . . .	195,000	Florida, . . .	260,000
Alabama, . . .	341,000		

Making an aggregate amount of 187,422,000 pounds, about 10 per cent. over the crop of the preceding year.

Kentucky it will be seen is much the largest producer of Tobacco in the States, and consequently exerts a strong influence upon its market value. It has frequently been urged, and probably not without results that have been beneficial to the trade, and more particularly to the planter, that in order to retain a permanent foothold in the markets of the Continent, it is necessary to give greater attention to the curing and handling of their crops. We are not assured that more than any other State, have objections been made to the product of her soil; the complaints seemingly attach to all exported from the country. Much care is required in the cultivation, a fact apparently but little regarded; the manifest anxiety of growers generally being with reference to the extent much more than the quality of their crops.

The kinds of tobacco cultivated in Mason Co., and which make the best cigar wrappers, are said to be the Summerville and light barley, neither having any decided preference. Like Connecticut, from whence the secret was imported, the farmers in this county, plant thick, two feet one way, by 30 to 32 inches the other, this being requisite to produce a good cigar leaf. To this is it in a measure indebted for the celebrity it has attained. In the German market it promises to become a very important article in the manufacture of cigars, and to supercede Domingo Tobacco.

Like everything else, tobacco is subject to diseases, by far the most serious of which is the spot. To obviate this, it is necessary "to scrape up carefully with the hoe all the loose earth, and throw it upon the hills, leaving the ground amongst the hills as hard, if possible, as a path. The leaves of the plant when it is large enough to take the rot, will shield the hills from the rain, and throw off the water on the hard ground, which soon

runs off, and the crop is protected. A sufficient quantity of vegetable matter turned into the soil, will also do much towards preventing this disease."

Such are the views presented by N. A. Venoble, Esq., a distinguished Planter in North Carolina. They elicited from another gentleman, in Nelson county, opinions very much at variance, and agreeing only in the causes to which the disease is attributable. Which of the two positions is susceptible of the clearest demonstration, is a matter to be left entirely with the Planter. The theorist may speculate for years without producing a satisfactory result. It is a problem to which we must apply the test of practical analysis.

The land in Connecticut, and particularly in the Connecticut Valley, is pronounced equal to any in the world for the production of the Tobacco plant. Two thousand pounds to the acre is not an unusual yield. We admit this appears to us as rather an exaggerated estimate; in view of the authority, however, whence it is derived, we find ourselves compelled, however reluctantly, to subscribe. In this valley the Tobacco lands are said to rent for from \$25 to \$50 per acre. The soil that produces the best Tobacco, is a rich friable loamy clay. From six to ten weeks is necessary to cure it perfectly after it has been cut. About the same amount of labor is expended on one acre of Tobacco that is required on two of Corn.

The following estimate of the cost of raising an acre of Tobacco, was originally published in the New York Farmer and Mechanic. It may be of interest to the Planter to give it an examination:

Use of one acre of land one year,	\$15 00
Ten carts manure, \$2 50c., is	\$25 00
Carting and spreading,	5 00
} one half is	
	15 00
Ploughing twice,	3 00
Harrowing and marking,	1 00
Seven thousand Tobacco plants, at 50c.	3 50
Holding and setting plants,	3 00
Hoeing four times,	5 00
Extra attendance to secure and kill worms,	2 00
Topping and securing,	4 00
Cutting and hanging up to dry,	4 00
Stripping from the stalk and packing,	5 00
Rent of the shed to dry in,	4 00
Freighting to warehouse point,	3 00

Total, \$67 50

If we assume that one ton weight can be easily raised upon an acre, worth at the warehouse point 8c. per lb., we have a nett profit of

\$92 50c. It may well be asked, what crop other than Tobacco, will make so good a return.

Of the value of Poudrette, we have the testimony of a writer in the *American Agriculturalist*, over the signature of P., under date of 3rd March, 1845, from South Hedley Falls, Mass. He says :

"I used one barrel of Poudrette on my plants while on the bed, leaving a small piece without it. The effect was astonishing. The plants, at the time of setting, were twice as large where the Poudrette was used, as where it was not, and they were not as much attacked by the worms, which is an important consideration. I set the last season about two and a half acres in Tobacco, which produced 5100 pounds. I sold it for \$408."

In Ohio, the attention of Farmers is being attracted to the culture of Tobacco, as affording a more abundant return for their labor. In Guernsey county and Miami township, this is particularly the case. We can see no reason why Ohio should not become a very large producer of Tobacco. The quality raised in that State is fully equal to the best Virginia, and in the markets of the Continent, commands a price averaging far above what is realised for Virginia, Maryland, or Kentucky. This is fully apparent, from an examination of the average prices of the various kinds of Tobacco in the German markets for four years, from '42 to '45. Ohio now occupies about the seventh rank in the scale of producers, but with the great natural advantages which she possesses, it is but reasonable to suppose she will not long remain in her present position.

From the satisfactory experiments which have been made in the culture of Tobacco in Florida, there is every prospect of its becoming the staple of the State. It is represented as of a very superior quality, and commands a price in New York ranging from 40 to 80c. The last season was, however, a very unfavorable one, notwithstanding which, the results were of a character to satisfy the most skeptical, of the advantages to be derived from its culture in that State. We may, therefore, reasonably look for a large increase in the coming, over the crop of the past year. In the German markets it is grown into some importance, and is extensively used in the manufacture of cigars. Though a splendid wrapper leaf for the eye, its taste or smell is by no means agreeable. Imported in boxes of 300 lbs., it has been sold as high as 1½ rix dollars per lb.

It may not be deemed irrelevant in this place to sketch briefly the mode of cultivation adopted in Cuba, and incorporate in this article a few facts touching its production in that island and in Mexico.

Tobacco is planted in Cuba upon an even surface, which with us is not so much the case, hillsides being preferred by many, where the lands

are equally rich; having an elevation sometimes of from twenty to thirty degrees. It is disturbed as little as possible with the hoe, and not otherwise, except to pick out the grass and weeds that spring up around it. The high lands of Cuba produce the quality of Tobacco best suited to the American market.

The greatest enemy to the plant, both in the nursery and the fields, is the cut worm, and it is found necessary to guard strictly against it. The green Tobacco worm is another source of annoyance, when the plant is more fully matured.

When ripe for the knife it is cut down near the ground, and from the suckers which are left, a second and sometimes a third crop may be produced. It is conveyed carefully to the house in wide thongs of cowhide, and there hung up. Sheds are preferred as affording a free space for ventilation beneath. Great care is required in tying them up for drying, in order to prevent mould. In damp weather fires are built to keep out the moisture, though never of sufficient intensity to heat the Tobacco, to guard against which, too much caution cannot be used. When taken down it is placed in a press, with the view of rendering the leaves more pliable, and here, too, attention is required in preventing it from becoming too hot. Rails or poles placed crosswise of each other in the form of a rack, constitute the press, and cowhides are thrown over, under and around the Tobacco, and something weighty placed upon it. It is then stripped, leaf by leaf, from the stock, and being selected, are tied at the butts, and prepared for market. It is usual, sometimes, to put it in press again after being stripped.

Dr. Wurdemann, of Charleston, a gentleman of great acquirements and extensive research, has given to the public a volume of "Notes upon Cuba," from which we learn that the cultivation of Tobacco is very profitable, yielding about 135 lbs. to the acre. Taking the Senor Sagra for his authority, he says that 500,000 arrobas of the leaf have been produced on 2778 caballerias of land. Computing the former at 25 lbs. and the latter as containing $33\frac{1}{2}$ acres, we are brought by fair calculation to the very result at which he has arrived, 135 lbs. to the acre. To what then are we to ascribe the increased production of our own soil over that of Cuba. It is undeniably a fact that much greater care and attention is given to its culture in that Island than in the United States, and we are willing to allow its full force to the argument, that where the inducements to labor are promising, there are we generally found to devote our best energies both of mind and body. But let this pass.

In 1841, the exports of Tobacco from Havana was equivalent in value to \$1,757,430. Of this, however, there can be no accurate means of determining. The very small proportion upon which the duty is paid

compared with the true exports, leaves us without a data upon which to base an inquiry, that would approach even remotely to the actual exports of the Island.

The best quality of Tobacco comes from the Vuelta Abaja, the South-East part of the Island. The seed from that place is sent over the Northern and Western parts for cultivation.

The following table from the "*Diario de la Marina*" of Havana, exhibits the exports of Tobacco from the Island during the five years ending in 1845 :

TOBACCO.					
Years.		To Spain.	To Foreign Countries.	Total No. of pounds.	Value.
Manufac. Unmanufac'd.	1841	2,108,157	3,649,420	5,757,577	\$ 719,369
	1842	1,157,058	3,445,775	5,942,833	742,854
	1843	1,354,222	5,854,016	7,208,238	901,030
	1844	856,570	3,777,198	4,633,768	585,156
	1845	2,747,258	3,927,605	6,674,863	834,621
	1841	10,236	159,935	170,171	1,677,743
	1842	9,841	140,148	150,289	1,454,269
	1843	62,346	195,653	257,997	2,556,250
	1844	5,541	152,964	158,505	1,564,650
	1845	9,608	118,973	128,581	1,261,300

From this we discover that the exports in 1841 amounted in value to \$2,397,112, varying somewhat materially from the estimate we have already given of the exports of that year. It is not difficult, however, to conceive, how statements based upon such imperfect data, may be various and conflicting.

General Waddy Thompson, in his recent work upon Mexico, page 192, says : "The Tobacco monopoly has, heretofore, been a source of very large revenue to the Government. The culture is prohibited, except to a very limited extent, in the districts of Orizaba and Cardova. Each farmer is restricted to a limited number of acres. The Tobacco produced is sold to the Government at a stated price which is very much below its real value, by whose agents it is made into Cigars and Snuff, for those are the only forms in which it is used. I do not suppose there is one Native Mexican who uses Tobacco for chewing. Within the last three years, this monopoly was sold by the Government to a private company. The company agreed to pay fifty thousand dollars per month for it, which, in the time of the Vice Regal Government, yielded five millions dollars per annum. The contract has since been rescinded, and the Government still possesses the monopoly."

In the early history of Mexico, we find that in order to smoke it, they put the leaves with the gum of liquid amber and other hot and odorous

herbs, into a little pipe of wood or reed, or some other more valuable substance. It was considered, at that time, so great a luxury, that the Lords of Mexico were accustomed to compose themselves to sleep with it.*

Large quantities of Tobacco are smuggled into Mexico, and it has been the principal item of traffic between the citizens of Western Texas and the Mexican population of the Rio Grande, for a number of years. Tobacco, such as is used for making cigaritos, purchased in New Orleans from \$1 to \$1 50 per cwt., when baled up and smuggled into Mexico, has been known to sell at fifty, sixty and seventy dollars per cwt.

For the following facts with regard to the German Zoll Verein, taken from the London Economist, of the 20th June, 1846, we are indebted to the September number of Hunt's Merchants' Magazine. The very important trade, particularly in Tobacco, maintained between our country and the German States forming the union, makes its history a subject of much interest, and warrants our giving it a brief notice in this place :

The Zollverein came to its present state in 1834. The number of States and their inhabitants, in 1843, are thus stated :

Prussia, (including Luxemburg,)	15,967,879
Bavaria,	4,444,918
Saxony,	1,757,800
Wurtemberg, (including Hohenzollein,)	1,739,706
Baden,	1,332,317
Hesse Cassel,	719,320
Hesse Darmstadt,	844,655
Thuringen, (several duchies,)	974,184
Brunswick,	239,744
Nassau,	412,721
Frankfort-on-Maine,	65,831

Total, 28,498,625

The annual increase of population is fixed at half a million yearly, which, at this time, would swell the figures to an amount, probably little short of thirty millions, being an excess of about nine millions over the present population of the United States.

Though the leading power in the union, Prussia, is unable to undertake anything without the sanction of the other States. To carry a resolution, it is necessary that *all* agree. Frankfort-on-the-Maine, the least important State of them all, though she may not originate and execute a measure, has at least the power, by withholding her consent,

* American Annals.

to render inoperative the will of all the others combined. The duty, under the Zollverein tariff, regulated as it is, upon all articles by weight is,

on Tobacco, in leaves, \$5 50, equal to \$3 79
 on do., in rolls, \$11 00, equal to \$7 59
 on Cigars, \$15 00, equal to \$10 35

It seems now to be readily conceded, that none but desirable or high grades of Tobacco find a ready sale in the German markets. Ordinary qualities can scarcely be sold even at ruinous prices. The color is a very important consideration with the buyer, and atones in a measure, for defects as to taste and smell. Too much attention cannot be devoted by our planters, to the handling and putting up of their crops, as the production of a better article than the inland German Tobacco, is the only thing to increase the sale. The great disparity in the quality of the exports is apparent, from a review of the following table, exhibiting as it does, the range of prices, and the average rates for four years. Coming from one of the heaviest Tobacco dealers in Europe, it has strong claims upon our studious attention. His letter is from Bremen, under date of 20th December, 1845.

Average prices of Tobacco, for 1842, 1843, 1844 and 1845 :

					1844.	1843.	1842.
Maryland, from	3 $\frac{3}{4}$ gts.	to 10 $\frac{1}{4}$ gts.	average	6 1-16 agt.	5 $\frac{5}{8}$	6 1-32	6 6-16
G. Leaf, from -	5 $\frac{1}{2}$ "	10 $\frac{3}{4}$ "	"	7 $\frac{1}{8}$ "	7 1-24	7 1-16	8 $\frac{1}{4}$
Box, from -	5 $\frac{7}{8}$ "	20 $\frac{1}{2}$ "	"	9 $\frac{7}{8}$ "	12	10 $\frac{5}{8}$	12 5-6
Ohio, - - -	4 6-8 "	15 $\frac{1}{4}$ "	"	7 $\frac{3}{4}$ "	9 $\frac{3}{8}$	8 $\frac{1}{8}$	8 $\frac{1}{2}$

Clearly establishing the position we have already assumed, with regard to the production of Ohio lands.

The prices of Virginia Tobacco have been from 2 $\frac{5}{8}$ to 8 $\frac{1}{2}$ av. 4 $\frac{1}{2}$.

The prices of Kentucky and Mason County, from 2 $\frac{3}{4}$ to 17 av. 5. Here, however, we are met by a statement, varying somewhat from the commonly received opinion, that in all the principal markets of the world, Virginia commands a preference over Kentucky Tobacco. The average of Maryland is much above either, and that of Ohio over all.

Of Florida Tobacco, there was imported into Bremen :

In 1843, 125 boxes, and nearly all sold.

In 1844, 200 boxes, and nearly all sold.

In 1845, 780 boxes, and nearly all sold.

Showing an excess in the imports of 1845, over the previous year, of 580 boxes, or an amount almost equal to four times the quantity of the imports of 1844. From this fact alone, we may infer a very large increase in the production of that State, and the crop of the coming year, will, doubtless, considerably augment the imports into that port :

Of other kinds of Tobacco, the imports have been—

1845.		1842.	1843.	1844.
6,490	bales Havana, against	17,275	20,425	18,709
16,560	“ Domingo, “	9,762	10,145	7,123
21,990	“ Porto Rico, “	23,661	28,094	22,641
2,490	“ Varinas, “	8,192	9,025	10,993
6,560	“ Brazil, “	1,490	200	
4,950	“ Java, “			

put up in bales of 120 lbs. weight. In this table, we observe a very large decrease in the imports of Havana Tobacco, in 1845, amounting almost to two-thirds less than the imports of 1844, and an increase in those of Domingo and Brazil. The quality of Havana is of a character, however, to insure it a steady demand, with little prospect of its being superseded by the productions of any other country.

In China, the duty upon Tobacco is 1s.; but in a list of imports, which we have examined, we see no notice of the article.

The duty in Sweden is, on Leaf in hhds.,	-	-	4½c.
on Leaf in rolls,	-	-	12½c.
on Stems,	-	-	1½c.

In France, it is a Government monopoly, equally affecting the home as well as foreign production. We are not prepared, at this time, to affirm that the quantity raised in France is less than the estimated amount of 30,000 hhds., however much disposed we may be to distrust the figures;

The imports into France are thus stated :

	<i>Francs.</i>		<i>Francs.</i>
1827	15,100,000	1834	9,300,000
1828	11,600,000	1835	7,000,000
1829	13,000,000	1836	13,400,000
1830	10,200,000	1837	16,400,000
1831	3,200,000	1838	20,000,000
1832	8,900,000	1829	17,200,000
1833	9,400,000	1840	30,600,000

The revenue which accrues from her Tobacco monopoly is put down at twenty millions dollars; an estimate we consider by no means exaggerated, and that of Austria at twelve millions. It is only necessary to examine carefully the cumbrous wheels of the machine, put in operation by the French Government, for the promotion of its traffic in the article; the immense storehouses which are its depositories, and the numerous employees attached to it, to impress us forcibly with the disadvantages of the system. The expenditures, as appeared by a brief article in *Hunt*, for January, 1844, are stated at 23,000,000 francs.

For the purchase of home grown or colonial Tobacco, 16,000,000,

leaving the amount of 7,000,000, to defray the expenses of the establishment. The number of officials and dependents are computed at seven thousand seven hundred and ninety. Independent of these there are about three hundred and eighty ex-employees, receiving an allowance of 900,000 francs yearly.

The advanced duty on Tobacco in England, since the commencement of the present century, has caused a rapid decrease in the consumption. This is apparent if we take the kingdom throughout, and allow for the increased population of the last forty years. It is not to be expected that an increase of duty from 1s. 7d. in 1801, to 4s. per pound in 1821, would not materially retard the progress of consumption. It was therefore found that from the time of the imposition of this excessive tax, the consumption decreased to the extent of about one-fourth. In Ireland, particularly, is this effect more manifest, from the less favorable condition of the people; while in England, the consumption is about equal to what it was in the beginning of the century.

The subjoined tables exhibit, in a clear light, the position we have assumed; and the attention of the reader is invited to them, as furnishing other valuable information.

GREAT BRITAIN.

Years.	Pounds weight consumed. lbs.	Duty per pound.		Amount of duty. £	Aver. yearly consumption. ozs.	Aver. contribution to the revenue.	
		s.	d.			s.	d.
1801	10,514,998	1	7 $\frac{6}{10}$	923,855	15.37	1	8 $\frac{1}{2}$
1811	14,923,243	2	2 $\frac{3}{10}$	1,710,848	18.95	2	8 $\frac{1}{2}$
1821	12,983,198	4	0	2,600,415	14.43	3	7 $\frac{3}{8}$
1831	15,350,018	3	0	2,338,107	14.84	2	9 $\frac{7}{8}$
1841	16,830,593			2,716,217	14.52	2	11 $\frac{1}{8}$

IRELAND.

1801	6,389,754	1	0 $\frac{7}{10}$	285,482	18.95	1	0 $\frac{3}{4}$
1811	6,453,024	1	7	552,082	17.35	1	10 $\frac{1}{4}$
1821	2,614,954	3	0	528,168	6.15	1	6 $\frac{1}{2}$
1831	4,183,823	3	0	626,485	8.61	1	7 $\frac{1}{4}$
1841	5,478,767	3	0	863,946	10.71	2	0

It is not to be disputed, that most of the Tobacco imported into England, comes from the United States. About 1,800,000 lbs. only was imported into the kingdom, from all other countries, in 1841. The revenue for the year previous, was about 22 millions on the imports of 26,000 hhds. In 1841, her exportations were—

To Germany,	.	.	.	684,103 lbs.
" Holland,	.	.	.	1,251,251
" Belgium,	.	.	.	882,416
" Spain,	.	.	.	2,512,556
" West Coast Africa,	.	.	.	978,430
" All others,	.	.	.	4,582,415
				10,890,171
Entered for consumption,	.	.	.	21,871,438
Remain in bond,	.	.	.	11,173,541
Total imports,				43,935,150

Showing a deficiency of imports into the kingdom, as contrasted with the exports from this country in the same year, of 6,082,050 pounds. Nor is this all. Taking an average of years, we are brought to the same results, as are clearly established in the statement above.

Exports from United States.		Great Britain.		
Hhds.	Pounds.	Imports.	Re-Export.	Consumpt'n.
1841 41,681	50,017,200	43,935,151	10,890,171	21,871,438
1842 36,086	43,303,200	39,526,968	9,130,210	22,013,146
1843 21,029	25,234,800	43,755,735	8,702,769	22,891,517
1844 38,584	46,300,800	33,813,614	7,840,377	24,535,116
1845 26,111	33,333,200	10,717,001	6,518,016	19,749,586
Total,	198,209,200	171,748,469	43,081,537	111,060,803

It will be seen from the above, that the whole imports into Great Britain, for the last five years, are 27,000,000 pounds less than the exports from the United States to that country, evidencing as clearly as figures well can, the extensive frauds perpetrated upon the Government. These evils are not as apparent in any other country as in England. It cannot reasonably be hoped, that from any consideration it may be in our power to offer them, France and Austria will agree to dispense with so large a source of revenue as their Tobacco monopoly affords them. Where tariffs exist there may be some prospect of such a result, and the examples recently afforded them by England, in a partial but important degree, and more liberally by our own Government, may possibly be followed by the German States, composing the Zollverein. The world is becoming rather too enlightened to persist longer in a system of restrictions evidently tending to the destruction of the very interests they were designed to promote. Tobacco yields to the English Government about one-sixth part of the custom revenue. The effect of the very high duty, and the tendency it has to promote smuggling, has been thus stated by Dr. Bowring, in the British House of Commons :

"Schools were opened in large numbers, where the art of smuggling was regularly taught to youths; a system of education which was the prolific cause of great crimes. Those high duties, also, entailed a very considerable expense upon the public revenue. The coast guard amounted to 6,000 men, and 66 cruizers were employed, at a cost to the country of between £600,000 and 700,000, a great part of which might be saved, if the duty upon Tobacco were reduced to a reasonable scale; yet, although, such an enormous force was employed, it was proven to the Committee that as much Tobacco was smuggled into the country as passed through the customhouse, and paid the duty."

Sir Robert Peel has added the weight of his testimony to the pernicious effects of this system; and philanthropists, in all ages, have inveighed in the strongest terms against it. Regarding as a moral obligation, our compliance with the established usages and laws of the land, we cannot absolve ourselves from the force, with which it appeals to our reason and our judgment. Governments may foster and encourage it; the strong arm of power may give it a binding force upon the people; yet will some always be found, whose strong acquisitiveness and eager pursuit of gain will furnish them with arguments to quiet the pleadings of conscience. However much devoted to the institutions of their country, or regardful of the laws to which they may have tacitly acknowledged their allegiance; very many are there, in every country, who view smuggling as a crime but venial in its character. But this is no place to discuss its morality, nor have we the inclination to do so. High duties have always been found to be the fruitful source of illicit traffic; and if other considerations have not sufficient weight to influence the sage lawgivers of the civilized world, surely *this* may well challenge their investigation. In 1843 alone, the quantity of Tobacco smuggled into London has been estimated, by those competent to give an opinion, at 22,792,000 lbs. We have no reason to doubt it.

On the 1st January, 1846, the stock was

In London, - -	27,300	bhds.	against	31,600	in 1844.
Ireland, - -	2,350	"	"	2,000	"
Scotland, - -	1,300	"	"	1,172	"
Bristol, Hull, and Newcastle, }	1,738	"	"	1,436	"
Liverpool, -	17,302	"	"	16,273	"

In 1841, as will be seen by the annexed table, the exports from the United States were larger than in any previous year, and prices ranged considerably higher; seemingly furnishing a strong argument in favor of the position assumed by many, that the demand is in excess of supply.

EXPORTS OF TOBACCO FROM THE UNITED STATES, FROM 1821 TO 1842.

Years.	Total value of tobacco exported.	Value of snuff and manuf'd.	Hhd.	Value.	Value per hhd.
1821 - - -	\$5,798,045	\$149,083	66,858	\$5,648,962	\$84 49
1822 - - -	6,380,020	157,182	83,169	6,222,838	74 82
1823 - - -	6,437,627	154,955	99,609	6,282,272	63 46
1824 - - -	5,059,355	203,789	77,883	4,855,566	62 34
1825 - - -	6,287,976	172,353	75,984	6,115,623	80 48
1826 - - -	5,557,342	210,134	64,098	5,347,208	83 42
1827 - - -	6,816,147	229,024	100,025	6,577,123	65 75
Average 7 years,	\$6,084,073	\$183,788	81,003	\$5,864,227	\$73 53
1828 - - -	\$5,480,707	\$210,747	96,278	\$5,296,960	\$54 73
1829 - - -	5,185,370	202,306	77,131	4,982,974	64 60
1830 - - -	5,833,112	246,747	83,810	5,586,365	66 65
1831 - - -	5,184,863	292,475	86,718	4,892,388	56 40
1832 - - -	6,295,540	295,771	106,806	5,999,769	56 18
1833 - - -	6,043,941	288,973	83,153	5,755,968	69 29
1834 - - -	6,923,714	328,409	87,979	6,595,305	74 96
Average 7 years,	\$5,849,749	\$265,061	85,982	\$5,583,247	\$63 25
1835 - - -	\$8,608,188	\$357,611	94,353	\$8,250,577	\$87 01
1836 - - -	10,494,104	435,464	109,442	10,058,640	91 54
1837 - - -	6,223,483	427,836	100,232	5,795,647	57 82
1838 - - -	7,969,449	577,420	100,593	7,392,029	73 48
1839 - - -	10,449,155	616,212	78,995	9,832,943	124 47
1840 - - -	10,697,628	813,671	119,484	9,883,957	81 05
1841 - - -	13,450,580	873,877	147,828	12,576,703	85 09
Average 7 years,	\$9,698,941	\$586,013	107,275	\$9,112,928	\$85 92
Total 21 years,	\$151,177,346	\$7,254,129	1,876,828	\$143,923,217	\$76 23

It is difficult to conceive, however, how this can be made apparent, taking the range of prices as exhibited in the table before us, and the value of the yearly exports. We might speculate largely upon the results which naturally follow a comparison of the exports of one year with another, but a regard must be had to extraneous and collateral causes, and the influence which they exert in maintaining or depressing prices. It is not enough that we take a bare fact, isolated from the circumstances which surround it, and draw a corollary which is to serve as a guide in our deliberations, upon a question as important as this.—In 1836, the exports amounted to \$10,058,640. The average price for that year \$91¹⁴/₁₀₀ exceeding by \$5²⁵/₁₀₀ the average price of a hhd. of

Tobacco during the year 1841. It is true, the amount of the exports of '41, was over \$12,000,000, but taking into consideration the commercial and monetary condition of the country at these separate periods, we may well wonder that prices were so fully maintained. In 1839, the exports amounted to very nearly 10,000,000, and yet prices went up to an average of \$124 $\frac{47}{100}$ per hhd. What then are we to infer from this, but that if the trade of 1841 furnishes an argument in proof of the position that the demand is in excess of the supply, that of '36 and '39 are much clearer in its establishment. The validity of the first proposition we admit, is in no measure impaired by the deductions legitimately drawn from other years, and sustaining the same position. But we regard it as a matter requiring other and higher evidences to impress it forcibly upon the mind. We cannot close our eyes to the fact, that though tobacco was one of the earliest products of our soil, its march, probably, from many causes combined, has been slow and measured. In cotton it found a rival that was destined to outstrip it in the race of consumption.

The average increase in the receipts of Tobacco at this port for the last ten years, has amounted to near forty thousand hhds, 1842-3 alone, exceeding the receipts of '36-7 by 74,000 hhds. For the last five years our exports to the north of Europe have been about the same, with the exception of the present year, and we observed a decrease of nearly 6,000 hhds, or about one third of the usual exports. This we should like to see accounted for. In '44-5, there was a marked and important falling off in the exports to Great Britain, as will be seen by the annexed table, but for the past year they have attained to the average of previous years. To France there has also been a manifest decline. An important inference is elicited from a review of these tables, connected with our exports, coastwise. It will be observed that for the past year, but 7,435 hhds. were shipped from this, to all other ports in the United States, against 17,033 the year previous, inducing the opinion that foreign buyers have found it to their interest to locate among us in view of the facilities our market affords them. Every increase to our capital, no matter how employed is so much added to the wealth of the city, and should not be disregarded. We are too much accustomed to regard lightly, and as unimportant in themselves, considerations, which the weight of associated circumstances impress with a visible importance. As true as that "man is a bundle of habits," do trifles make up the sum of human existence.

Exports from New Orleans.

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COMPARATIVE ARRIVALS, EXPORTS AND STOCKS OF TOBACCO AT NEW ORLEANS,
For ten years—from the 1st of September, each year to date.

YEARS.	TOBACCO—HHDS.			YEARS.	TOBACCO—HHDS.		
	Arrivals	Exports	Stocks.		Arrivals	Exports	Stocks.
1845-46	72896	62045	17924	1840-41	53170	54667	2758
1844-45	71493	68679	7673	1839-40	43827	40436	4409
1843-44	82435	81249	4859	1838-39	28153	30780	1294
1842-43	92509	89891	4873	1837-38	37588	35555	3834
1841-42	67555	68058	2255	1836-37	28501	35821	3857

The following table exhibits the exports of Tobacco, from New Orleans for ten years, commencing 1st September, and ending 31st August.

WHITHER EXPORTED.	TOBACCO—HHDS.									
	1845-46.	1844-45.	1843-44.	1842-43.	1841-42.	1840-41.	1839-40.	1838-39.	1837-38.	1836-37.
Liverpool,	8976	4917	8808	6788	6930	5252	3827	4115	2695	1913
London,	12888	6475	8291	985	7212	8732	4320	3725	3579	1989
Glasgow & Greenock, Cowes, Falmouth, &c., Cork, Belfast, &c., .	2641	1131	5124	1079	6827	6681	992	871	3695	6556
Havre,	2215	3514	4846	4648	4037	4224	3655	1455	2858	2447
Bordeaux,	1067	1565	1156	2332	1004	814	1107		504	320
Marseilles,	1006	3934	5102	4665	1933	1774	1844	315	1516	699
Nantz, Cette & Rouen, Amsterdam,	451	50	3775	2700	1138			224		1254
Rotterdam and Ghent, Bremen,	1104	1014	917	2933	1882					
Antwerp, &c., . . .	6328	12012	9602	7888	8997	4012	2464	1366	1500	3736
Hamburg,	4294	3862	2178	5657	3690	1219	1090			713
Gottenburg,	181	786	2303	1477	3401	1064	1465		206	674
Spain and Gibraltar, Havana, Mexico, &c., Genoa, Trieste, &c., China,	913	909	734	963	946	1559	745	939	576	342
Other foreign ports, New York,	9813	6749	10681	4196	7204	4142	3443	3400	1542	1628
Boston,		903	1601	1063	981	1020	1013	618	725	1317
Providence, R. I., .	2375	3001	1556	1760	550	2	44	598	563	
Philadelphia, . . .	298	794	1177	217	516	667	343	315	186	612
Baltimore,	4848	6936	6930	10533	7090	7466	8132	8174	9758	4838
Portsmouth,	913	4938	2585	3650	2351	3109	2888	2816	2616	3520
Other coastwise ports, Western States, . .	1030	2536	1286	2845	936	2126	1963	1291	1649	1494
	427	478	1167	2433	208	517	219	296	770	541
	247	2145	1100	2194	225	287	482	225	617	916
TOTAL—	62045	68679	81219	89891	68058	54667	40436	30780	35555	35821

RECAPITULATION

GREAT BRITAIN, . . .	24505	12553	22523	97437	20869	20665	9139	8748	9969	10458
FRANCE,	4288	9013	11104	11645	6974	6812	6606	1770	4878	3778
NORTH OF EUROPE, . .	13301	19051	20175	21618	20232	8040	6905	2654	2438	6760
S. OF EUROPE & CHINA,	12516	11029	14349	7536	9053	5645	5002	4806	2860	3516
COASTWISE,	7435	17033	13098	21655	10810	13505	13684	12802	15410	11300
TOTAL—	62045	68679	81249	89891	68058	54667	40436	30780	35555	35821

The law passed at the last session of the Legislature of our State, organizing a Board for the Inspection of Tobacco, and prescribing the manner and forms by which it shall be governed, has met with the warm approval of our merchants. None know better the disadvantages of any system than those who are subjected to its operations; hence the courtesy extended to them by the framers of the law, in soliciting their advice. But notwithstanding the severe ordeal to which it has already been submitted, we observe that a meeting has been held in Kentucky, with a view to the expression of their disapprobation of its provisions. For this we confess, and it may be imputed to our ignorance, we can discover no reasonable cause. If the planter has rights which are to be protected, surely the purchaser is not without his claims upon the same high source for that justice which it is the object of all law to mete out with a fair and impartial hand. For any "damage suffered by the wrongful act, or neglect, or inattention" of the Inspectors, the 2d section of the act provides a suitable remedy. A "fair" sample of every hhd. is required from the Inspectors "as near as they can make it," by the 9th section, in which also the mode of inspection is explicitly and clearly laid down, together with the course to be adopted with respect to Tobacco, that may have been fraudulently packed, and such as may be damaged. As a protection to the planter or shipper, the inspectors are prohibited under a heavy penalty from "dealing or trading" in Tobacco, from owning or being interested in the warehouses, coopers, or laborers employed in the inspection. Imprisonment in the penitentiary, is the award of any inspector who may give "wilfully a false or fraudulent inspection," or who may accept a bribe in relation to the discharge of his duties. The warehouses are required to be located at "such points in the city as will be most convenient for the reception of the tobacco," and those interested in the tobacco trade, and to be delivered at some opening of the warehouse," accessible by a paved street. Such are a few of the wholesome provisions of this law, to which it appears some strong objections are to be urged. We await their advent with patience.

We have thus attempted a faint sketch of this important staple, with such views upon its character and destiny, as may have suggested themselves to our mind. How imperfectly the task has been accomplished is a question to be decided by those to whom time or inclination may suggest a perusal; with them we leave it.

NOTE.—In the September number of the Review, we called the attention of our readers to the probable publication of an article upon Tobacco from the pen of a friend, and "invited information from all." None has been received. To the circular issued from our office and addressed to plan-

ters in the various tobacco growing States of the Union, nothing has been elicited up to this time, when it was deemed necessary to complete the paper for the present number. We regret that a necessity should have arisen for these remarks. They are due, however, in justice to the author.—EDITOR.

ART. VIII.—WEST INDIA SUGAR.

A visit to a sugar district will soon dispel from the mind of the traveller all doubts of Creole enterprize. It is true that some estates still grind the cane by ox power, and have but rude contrivances for preparing the sugar; but on many of them the most perfect machinery is employed; and steam, labor saving steam, has taken the place of manual labor. There is considerable rivalry among the planters, to produce the best sugar and the greatest quantity; and so great was the enterprize of one of my neighbors, that in the midst of the grinding season, he removed his *steam engine* for the erection of another, on the plan of those used in France, for making beet sugar. The syrup, clarified by animal charcoal, was boiled by steam, and the sugar prepared in a vacuum; the whole cost forty thousand dollars, some said more.

Three varieties of cane are planted: the Otaheite, which is yellow and very rich in saccharine matter; but being easily prostrated by the wind, it is often found lying on the ground, where it continues to grow, and is very difficult to gather. The ribbon cane, striped with longitudinal purple bands, is more hardy than the last, but yields less sugar. The third is the crystalline, having long joints and a bluish tint spread over the whole; the dead leaves also adhere to the stock, requiring it to be planted widely apart and thrashed to remove them, and expose the stalks to the sun. When planted closely, it degenerates into a hard, small cane; but when properly cultivated, yields as well as the others. The two *cordels*, on which the calculation was made, of the quantity of sugar produced, were planted with this cane. But little science is shown in the cultivation of the cane, which is here planted too closely; while the fields are left from ten to twenty years without being replanted. In the meantime the cane deteriorates in size and quality; and many of the roots having been destroyed by the ox carts during the cutting season, large patches of a field are frequently found devoid of cane. The thick mass, also, being impenetrable to the rays of the sun, much is cut in an unripe state, and produces only inferior sugar.

Estimate of Expense.

The following rough calculation of the cost and expenses of a sugar plantation, may not be uninteresting to the general reader :

35 cavallerias (1767 acres) at \$2 50—\$13,250	Tribute 5 p. ct.	\$662
100 negroes at \$450,	45,000 at 12 per cent.	5,400
50 oxen at 50,	2,500 " "	300
1 steam engine and two trains of boilers, - - -	15,000 " "	1,800
Purging and storehouse, and others, 30,000	" "	3,600

\$105,750

1 engineer for 6 months, - - -	\$600
1 mayor-domo, 12 " - - -	360
1 mayoral, 12 " - - -	600
1 ox driver 12 " - - -	360
1 negro carpenter 12 months, and 3 coopers, - -	780
1 white carpenter, 12 months, - - -	720
1 sugar master, at \$1 per hhd. for 800 hogsheads, -	800
Medical attendance, \$2 per annum for each negro, -	200
Clothing and food for slaves, at \$10, - - -	1,000
Incidental expenses, - - -	5,000

Prime cost or value, \$105,750. Annual expense, - \$22,182

This plantation yielded 800 hogsheads* of Muscovado

Sugar, at \$50, - - -	\$40,000
And 400 hogsheads Molasses, at \$5, - - -	2,000

Annual proceeds, - - - \$42,000

At the former prices of molasses, it was expected to pay the current expenses of the estate ; but from the price of carriage and its present low value, it is now often thrown away by the planter.

A sugar plantation, during the manufacture of sugar, presents a picture not only of active industry, but of unremitting labor. The oxen are reduced towards the end of the season to mere skeletons, many of them dying from over labor ; the negroes are allowed but five hours sleep ; but although subjected to this inordinate tasking of their physical powers, in general, preserve their good looks. Before the introduction of the steam-engine, and the example of a milder treatment of the negro by foreign residents in Cuba, the annual loss by death was fully ten per cent., including, however, new slaves, many of whom died from the

* Each hogshead contained about 1,350 pounds of sugar ; 8½ cavallerias were cultivated.

change of climate. At present, the annual loss in Limonar, I was informed by an intelligent English physician, does not exceed two and a half per cent., even including the old. On some plantations on the south side of the Island, the custom still prevails of excluding all female slaves; and even on those where the two sexes are well proportioned in number, they do not increase. On a sugar estate, employing two hundred slaves, I have seen only three or four children. That this arises from mismanagement, is proved by the rapid increase on a few estates where the negroes are well cared for. The Saratoga sugar estate, which, with the Carlotta, belongs to a highly intelligent merchant of Havana, is noted for the great number of children born on it; while several coffee estates, where the slaves are deprived of sufficient rest, are also unproductive.

It cannot be denied, that the slave's life, while employed in the manufacture of sugar is a very laborious one; from November until the end of May his physical powers are tasked to the utmost; still his peculiar frame of mind, that dwells only on the present, sustains him under it. The weightiest cares cannot drive sleep from his eyelids, or deprive him of his appetite; and so well do the negroes appear, even at the end of the grinding season, that one would be tempted to doubt the amount of labor they had performed. During the rest of the year, their daily tasks are comparatively light, consisting chiefly in removing weeds from the fields, and cutting fuel for the next winter.

The greater portion, during the grinding season, are employed in cutting the cane. This is done by a short sword like cleaver, one stroke sufficing to cut the stock close to the ground, and another to remove the unripe tops, which, with their leaves are thrown into one long heap, while the rest, divided into two or more sticks, are thrown into another.

The latter are removed in carts to the mill, while the tops are left for the cattle to feed on. In the best constructed mills, a revolving platform conveys the canes to the rollers, through which they pass, and which express from them all their juice. The crushed stalks fall on another revolving way, and are carried off to a spot where a number of negroes are waiting with baskets to convey them into the yard. They are there exposed to the sun until quite dry, when they are packed under large sheds, and used as fuel for boiling the cane juice.

The juice flows from the rollers through a gutter, into a large reservoir, in which it is gently heated, and where it deposits the dirt and portions off cane that have escaped with it from the rollers. From this it is drawn off into a large cauldron, where it undergoes a rapid boiling; and has its acidity corrected by the admixture of more or less lime. When reduced to a certain degree, it is dipped out by ladles into another

cauldron, where it is suffered to boil until it reaches the granulating point. It is now removed by large ladles into a long wooden trough, and stirred by long paddles until cold.

The mass now consists of the granulated sugar and its molasses, and when it is intended simply to remove the latter and make the quality called *Muscovado*, it is conveyed into wooden cisterns, twelve feet square and two deep, and thence into hogsheads, where it undergoes its final draining; the molasses escaping through a hole into gutters, which carry it to a general reservoir.

To make the White Havana quality, it is removed from the troughs into earthen or tin conical pans, each capable of holding about 80 lbs. of the mass, having at their apices openings closed with a few dry cane leaves, through which the molasses percolates, and falls into gutters below. Clay, made into a soft paste, by being well mixed with water, is next spread over the sugar, about three inches thick. The water, separating slowly from it, passes through the brown sugar below, and washes off the molasses from each grain, converting it into the quality known by the name of Havana white. After a certain time, the mass becomes consolidated, and the loaf is removed from the pan, and carried to the driers, large wooden frames fixed on railways, on which they can be readily rolled under cover of the shed when it rains. The base of the conical loaf is the whitest, while the apex is of a dirty brown hue, and the intervening portion of a light brown. It is divided into these three kinds by the negroes, who, with their cleavers walk over the sugar with their bare feet, cutting the masses into small lumps. To a stranger, the sight of two or three dozen half-naked negroes, thus employed under a broiling sun, and sweating over their task, is far from being pleasant; and I have known more than one, who have been afterwards very sparing in the use of clayed sugar. A machine has, however, been lately invented for crushing the loaves; and the present unclean method, will probably be generally abandoned.

In well constructed furnaces, the dried cane stalks, called *bagassa*, are found sufficient for boiling the juice; but wood is required to produce steam for the engine. This is brought to the mill at the expence of great labor; and in consequence of its great consumption, large tracts of land are now bare of forests, and the difficulty of procuring fuel increases every year. Much labor is also expended in raising water from the deep wells, to supply the engine boiler; the amount of which may be imagined by the reader, when he learns that they are from one to four hundred feet deep; and that the water is generally drawn up by single buckets. During the dry season, the sugar planter is also in constant dread of his field being fired by some malicious neighbor; when in a few

hours his whole crop, and perhaps all his buildings may be destroyed. The canes are so thickly planted, and their numerous dead leaves form such a closely interwoven mass, that when ignited when the wind is fresh, the flames spread with inconceivable rapidity over the whole field. Although the prince of agriculturists, the sugar planter, is now at the mercy of any of the *canaille* he may have offended; and an opportunity is not unfrequently taken, at this season, to revenge some past slight or injury.—*Extracts from Wurdeman's Notes on Cuba.*

ART. IX.—ACTS PASSED AT THE FIRST SESSION OF THE FIRST LEGISLATURE OF THE STATE OF LOUISIANA, BEGUN AND HELD IN THE CITY OF NEW ORLEANS, ON THE NINTH DAY OF FEBRUARY, 1846.

Lord Eldon once wrote in this wise :—a specific performance of an agreement was brought, and a variance was attempted to be introduced by parol, on the ground of mistake and surprise. “I will not say that upon the evidence without the answer, I should not have so much doubt whether I ought not to rectify the agreement, as to take more time to consider whether the bill should be dismissed;”—and yet this was the learned Judge, who boasted of being able to drive a coach and six through any act of Parliament. It would appear that those who are most acute in their judicial capacity, in weighing the value of subtle criticisms on acts, are not the best constructors of intelligible clauses. Perhaps their own ingenuity in discovering latent objections, makes them too diffident of clear, broad, simple phraseology;—and anxious to surround it with explanatory and exceptional expressions suited to meet their own doubts. But is it, indeed, so very difficult to give clearness to legislative expression? Must it necessarily be that the language of the written law is obscure, confused and contradictory? If so, then has the volume before us entirely filled its destiny. The acts of Parliament of 8 and 9 Victoria, are no doubt, some of them expressed in broken terms, but as to the “acts passed at the First Session of the Legislature of the State of Louisiana,” the coach and six might be followed by an army waggon, “pioneers and all,” and yet abundant space be left to pass in and out, and around their provisions. Much extenuation must be made. The body which passed these *first* acts was composed, in a good part, of “new hatched and unfledged” patriots, whose years were few, and whose experience was not old. They had the difficult task before them of making laws, as it were for a new State—of fitting

them to new provisions—to carry out in detail the general and broadly expressed articles of the new constitution. They were unaided in their deliberations by any one who had been a member of the convention, by which this constitution had been formed, and when after a few days, and before the completion of much already well begun, the tocsin of war was sounded on our borders, their dream thenceforth was of guns—from that time till the close of the session, swords and plumes waved and nodded through the legislative brain in all the mazes of military evolutions. Even the chairman of federal relations forgot his Oregon resolutions, and left to slumber his expected speech, for the more active practicalities belonging to the colonelcy of a regiment of mounted gunmen. *Inter arma silent leges.* The courts were closed. Volunteers were promised exemption from citation, and all laws in relation to the collection of debts against all persons called into service, were suspended—*act of May 6, p. 37.* Major Gally and Captain Forno had a little less than one thousand dollars paid them, part of which says the act was for “firing a salute”—*act of May 15, p. 44.* Leave of absence was granted to Sheriffs that they might go “to the defence of their country.” *Acts of May 26, p. 49–54.* A clerk of a District Court having “*galantly volunteered,*” had a leave of absence granted him. *Act of May 26, p. 164.* One hundred thousand dollars were hastily appropriated for “raising, equipping, transporting, and paying four regiments of volunteers, Infantry, Cavalry, and Artillery for the army in Texas.”—*Act of May 2, p. 31.* It was very speedily discovered that such a sum was altogether insignificant. It was a mere whet to the appetite which had been roused. It was increased in various amounts, and at last, the legislature, as if impatient of petty items, declared in broad terms their willingness “to meet all such appropriations as the Governor might deem necessary for the national defence and the national honor.” *Act of May 2, p. 32.* All this was not done, it seems, without “serious inconvenience and embarrassment” to the Treasury of the State, for so it is expressed in the resolution of May 16, p. 46, by which “*immediate application*” is ordered to be made to the General Government for the “*earliest re-payment*” of such expenditures. Probably this is not the last we shall hear about these expenditures;—a deal of crimination is expected soon to settle somewhere, though where nobody seems to know.

It was a matter of very general complaint that the laws of the present year should have been so long delayed in their publication. It was not until late in the month of September that they were printed and ready for delivery, though since June last they have been in force. This delay has been a source of very great inconvenience, more especially in the country Parishes, and we have heard many loud complaints upon

the subject. By act of 1814 it is made "the duty of the Secretary of State, to cause to be delivered to the public printer, within seven days after the passage of any law, fair copies of the same, with marginal notes of reference in the French and English languages—in order that the printing may be executed with the least possible delay." By the same act it is made the duty of the public printer to make an 'alphabetical index of reference.' How and when the Secretary of State performed the first part of the requisitions of this law, we have no means of knowing, but as to "the marginal notes of reference," it will be seen that the whole number of acts and resolutions passed at this session, amounted to two hundred and two; of these, one hundred and forty have no marginal notes of reference, at all—from page forty-five to sixty, including many important acts, not a marginal note is to be found. The printer has been scarcely more successful with his duties. Looking at the index, we find under "S.," "*Saint Paul, Henry—to emancipate—v. p. 168.*" Knowing that Mr. St. Paul had, some time since, arrived at years of majority, we turn to the act, and discover that it was not he, but his worthy wife to whom the printer would refer.—Under "T." we find "*Taylor—General Z—thanks to—p. 39,—*and turning to page thirty-nine, we find nothing about "General Taylor," or "thanks to." We receive no aid from this reference, but will not complain of it, because it calls to mind the story of the young student in the office of Chief Justice Best, who was usually put to the task of making up the index to his masters books. After some experience he, determined to have this labor shifted from his shoulders, and effectually carried out his resolution, when the worthy Justice found printed under "G."—*v.—Witness—great mind. Chief Justice Best—p. 39.* Turning in serious curiosity to "*witness, p. 39,*" he found "*witness—great mind—contempt of Court. Chief Justice Best.—v. p. 501,*" and upon reference there, he found the text, thus "a witness having been guilty of contempt of court, Chief Justice Best said he had a GREAT MIND to commit him."

The French index maker has been more careful than the thirty-nine man, in regard to General Taylor, for under his table we see page fifty-nine pointed out, and on that page we find the resolution of thanks;—and what a skein of metaphorical confusion it is; our national arms in the war against Mexico, are spoken of as being "covered with courage, skill and devotion"—and withal there is a queer qualification—"thus far"—that is until the 27th of May, 1846, this covering has been put on, as if the Legislature were suspicious that some change might hereafter come over the spirit of things and they did not desire to commit themselves upon the subject.

We find upon page ninety-three, an act entitled "an act to provide

for the election of constables in the several Parishes of this State, excepting the Parishes of Orleans and Jefferson." The provisions of the act, make no exception of Orleans and Jefferson, and we do not see why it might not be made to govern these Parishes as well as others. Upon what day does the gentle reader suppose the Legislature has ordered the election of constables to take place? Upon a *Sunday*—"the first day of November next." We might suppose that the printer had let drop some letters, and that the "first day" should read "first Monday," but the French text forbids this charity—"le premier jour de Novembre prochain," stands there too, in sacrilegious distinctness.

We would give a silver penny to know who penned the resolution upon page ninety-three, giving thanks to "Brevet Major-General Edmond Pendleton Gaines"—it must have been a cousin-german to the man who wrote Dr. Spencers advertisement on the outside of the Daily Delta.

By section 17th of the act regulating elections, it is provided "that all persons convicted of the crimes of perjury, bribery, forgery, and other high crimes, or misdemeanors punishable by imprisonment with hard labor in the penitentiary, shall be excluded from the right of suffrage." The closing section of this act graciously excepts the Parishes of Orleans and Jefferson from its provisions.

How shall we construe the third section of the "act to organize the District Courts in the Parish and city of New Orleans? *Act of April 30, p. 32.* It reads thus—"that said Courts *shall* be opened from the first week in November, to the fourth day of July"—did the Legislature intend that they should be closed during the remainder of the year?—It is clear that the provision was to guard against the neglect and absence of the Judges;—was it intended to stand in the way of their vigilance and attention too? Are they forbidden, no matter what the exigencies of the case, and no matter how crowded the docket, to open the portals of Justice between the fourth of July and the first of November? Or was the proviso inserted to harmonize with the happy leisure of those who pass their summers by the Lake side, and upon the mountain tops? Section 13th of this same law is a puzzle to us—we can divine what the *intention* of the law is, but our code forbids us to disregard the letter of a law under the pretext of pursuing its spirit. *Civil Code, a. 13.* It is not the *intention* of the legislator that constitutes the law, but the words in which he has permitted that intention to be expressed. His views and designs cannot be matter of enquiry; and if by any accident he has sanctioned a law which the Judge interprets in a manner directly the reverse of that in which the legislator understood it, it must be so put in execution; for the public have a vested right in the enforcement of the law as it stands, not as it was intended. The act before us, (*Act of*

April 30, p. 32,) is a very important one. The whole form of our judicial proceedings has been changed—and this change, there is no doubt about it, has been an amendment too. The truth is, that the convention which made for us a new constitution was called together, not so much to change things as to change men. The object has been gained. Of all the Judges of the Supreme and District Courts of the Parish of Orleans, but one remains who held his place under the old *regime*.—All the appointments were made with great care, and we do not know that there is any just ground of complaint against a single one. By the law before us, carrying out the constitutional provisions, each of the five District Judges of New Orleans has the same jurisdiction—from the sum of fifty dollars up to any amount, and in all causes, of whatsoever nature. A *preference* in order of trial, is given to a certain class of cases in certain Courts—thus the Judge of the Second District Court is called upon to give a preference in time to the trial of matters belonging to Probate, but this does not prevent the docket of that Court from being swelled with cases upon account, promissory notes and bills of exchange. So with the Court of the First District—where criminal proceedings have rank, yet very many cases of a civil nature have already been heard and passed upon by this Court.

There is another very important law passed at the last session. The act to define the qualifications of Jurors, of *June 1, p. 86*. It is enacted that from and after the passage of the act “no property or tax qualification shall be necessary to constitute a competent juror in any of the Courts of this State.” Great difficulty has always been had in New Orleans in forming a jury. Our business men have done all in their power to avoid being called upon in this service. They have availed themselves of the statutes regulating the fire department to enrol themselves as fire paying members of some hose or engine company, and thus entitled themselves to exemption. We are acquainted with many worthy and excellent men, of sound judgment, and high in character, who have been for many years in the State, and except in this are Americans in the best sense of the word, who have long since declared their intention of becoming citizens, yet refuse “to take out their papers,” for fear that their time will be too much encroached upon by the call to serve as jurors. No doubt, the duty is sometimes onerous, but it is only so because so many strive to avoid it—if every one were ready to do his honest duty, the burden would be so much divided as to fall lightly on each. We have no patience with these exemptions, and they particularly annoy us when they undertake to ridicule and condemn the jury verdicts of the day;—if these verdicts be wrong, if they be not in accordance with law and evidence, if they are open to reproach, as

being awed by influence, or moved by gain, whose fault is it that such a state of things should be? If men leave to others a duty which belongs to themselves, with what grace do they complain of its non-performance?

Another law, that of May 29, p. 118, will facilitate the formation of juries, for so many will not now be able to plead excuse under cover of their "*conscientious scruples*." This act provides that "in all cases where the punishment denounced by law, is death, it shall be lawful for the jury to qualify their verdict by adding thereto *without capital punishment*. We remember being present at the trial of one of the first jury cases called before Judge Shaw, after his appointment of Chief Justice of Massachusetts. The case was upon the criminal docket, and the prisoner was accused of a crime, the punishment of which upon conviction is death. One of the jurors hesitated to be sworn, saying that he had conscientious scruples about finding a verdict where the punishment was death. Judge Shaw sternly told the man, that he had no business with conscientious scruples about performing his duties as an American citizen—that the laws of his country were to be obeyed, and that he who held shelter and protection under them, should not refuse to aid in their provisions. The juror still persisted in his excuse, and Judge Shaw sent him to jail for ten days, observing that he would have leisure in that time, to become better informed in the claims which his country had upon him. It was afterwards mooted before a tribunal of students at Dane Law School, whether Judge Shaw did right, and it was very gravely decided that he did. Perhaps no report of this weighty sanction ever reached the worthy Chief Justice, and we will ask our publisher to send it to him now.

We have much more to say about the laws of 1846;—indeed we have barely commenced the subject. It must be resumed in the next number, for there is no more room now, and all that we had written about an elective judiciary, which in the march of progressive democracy is so certain soon to be fixed upon us, must for the present be stricken out.

NOTE.—Criticism we are ever ready to admit when conducted in good temper; the issue will be between their authors and the public. We have sins enough of our own to atone for without assuming responsibilities for those of others. We are always willing *audi alteram partem*.—ED. COM. REVIEW.

MISCELLANIES.

THE CATERPILLAR.

This fatal worm, like the locust of Egypt, threatens to leave no "green thing alive" wherever it finds admission. It is the scourge of the cotton planter, and the devastation of his teeming fields, is almost the certain result of its visits. Whoever shall devise a scheme for the extirpation of such an enemy, will confer a benefit upon his country, which nothing could reward. All efforts have hitherto proved unavailing.—Dr. Affleck, of Mississippi, that able and practical agriculturalist, thus describes the character and habits of the insect :

"The parent insect is a night flying or owlet moth, I think belonging to the *MANESTRADA*—of a beautiful greenish grey, with bronze shading: on each outer wing there are two small white spots, shaded with bronze, near the shoulder and in a line with the edge; and lower down, a large kidney-shaped black or brown spot, shaded with white. Several wavy lines of purple crop the outer wing, which has also a fringe of the same color on the inner edge, and a fringe grey and purple at the end. The body is thick, and tapers to the end. The female is larger than the male, but they are otherwise much alike. The female deposits her eggs on the leaf (I am not fully satisfied that they are placed *only* there) in clusters; they are round, and whitish or pale green, and quite small. They are hatched in from two to five days, according to the weather, and immediately commence eating the leaves of the plant. They increase rapidly in size, attaining their full growth of one and a half inches in from three to five weeks. They are of a light green color, with longitudinal stripes of yellow on the sides, and along the back two black ones, separated by a very narrow line of white. Some are without the black stripes. They are also studded with small, distinct black spots, from nearly every one of which a black hair grows. They have sixteen legs—one pair behind, eight in the centre of the body, and six pro-legs. They elevate the front half of the body, when at rest, giving it a continued motion from side to side. They give forth, when in numbers in a field, a peculiar sweetish odor, readily recognizable by the observant planter.—During the lifetime of the worm, it casts its skin at least four times. When it has attained its full growth, it places itself near one of the corners of the leaf, spins a few threads of silk, attaching them to the leaf in such a way as to draw up the edge, which it makes fast to the surface of the leaf, forming a scroll, within which it undergoes its transformation to a *pupa*. This it does in thirty-six to forty-eight hours. The pupa is black and slimy. In this state it remains from one to three weeks. I have found the state of the weather influence the change thus far, generally from seven to twelve days—when the perfect insect appears, and proceeds to multiply her species. This each female will do to the extent of from two to six hundred or more."

In relation to the regions which the caterpillar usually frequents, Dr. Affleck remarks :

"This scourge to the cotton planter is by no means a new thing; nor is it confined to this country alone. In all the West India Islands, in Guiana, and elsewhere in South America, it has been the frequent means of greatly lessening the crops. In Georgia, the caterpillar made its appearance as early as 1793. In that year the destruction was complete, (from Major Butler's field of four hundred acres, only eighteen bags were made.) Seven years afterwards they commenced the work of devastation in South Carolina. In 1804, the crops, which would have been devoured by them, were with the enemy, effectually destroyed by the hurricane of that year. (Between 1804 and 1825, their depredations were only occasional, and then confined to particular fields.) In 1825, the visit of the worm was renewed, and its ravages were universal and complete. In 1827, '29, '33, '34, '40, '41, and 43, the lower parishes generally, or particular locations, suffered greatly by its depredations. (The caterpillar is seldom seen in the upper parishes.) In Guiana the worm is called *chenille*.—An interesting account of it is given in the Edinburgh Encyclopædia; article, *Cotton*, by Dr. Chisholm, of Clifton. The same account is repeated almost verbatim, by Mr. Porter, in his "Tropical Agriculturist." They appear there every year; doing material injury, however, only every second or third year. They show themselves in that wild climate even during the winter, and appear and disappear many times during the year. Some elaborate estimates are made by Dr. C., of the amount of labor which might be profitably expended in destroying the *chenille*, to which I would refer the curious, though they do not apply well to the present value of cotton. He gives one hint, however, which I think a good one. The Tobacco growers of Maryland and Virginia have acted upon it for many years, and with much success. "A prudent and economical planter will increase the brood of every species of domestic poultry, particularly turkeys; for this has a tendency to diminish the brood of *chenille* in a very great degree, while profit arises from the augmentation of useful stock. Turkeys are observed to have a remarkable appetite for the larvæ of the cotton moth, and devour prodigious quantities of them." In the Bahamas, between March and September, 1788, no less than two hundred and eighty tons of cotton, on a moderate scale, were devoured by this worm. The same cause produced the abandonment of the *gossypium* culture in several of the West India Islands. I saw it recently stated, that the destruction of the plant by the caterpillar, put an entire stop to the cultivation of cotton, for many years in Egypt. The prospect of a like result in this country, seems by no means improbable. The appearance of the worm has hitherto been partial, large districts and even entire States escaping; but this year it seems to be general over the entire cotton growing region."

He concludes with an extract from Seabrook's "*cotton plant*," exhibiting a method by means of which Mr. Townsend, of South Carolina, arrested the progress of the worm in his fields :

"1. His people searched for and killed both the worm and the chrysalis of the first brood.

2. On the appearance of the second brood, he scattered corn on the field to invite the notice of the bird, and while they depredated on the worms on the tops of the stalks and their upper limbs, the turkeys destroyed the enemy on the lower branches.

3. When in the aurelia state, the negroes crushed them between their fingers.

4. Some patches of cotton, where the caterpillars were very thick, and the birds and turkeys could not get access to them, were destroyed.

5. The tops of the plants, and the ends of all the tender and luxuriant branches, where the eggs of the butterfly are usually deposited, were cut off.

By these means, resolutely pursued, although at one time the prospect of checking the depredation, was almost cheerless, not the slightest injury to the field was sustained."

MEXICAN COTTON SEED.

J. D. B. DE BOW, Esq.

Dear Sir—I beg to trouble you or some of your subscribers for a little information; I ask not from idle curiosity, but with a desire of gaining knowledge; and probably of placing on record, information of much value.

Those planters who remember the old black or green seed varieties of Cotton grown some twenty years ago, or longer, can fully appreciate the advantage that we now enjoy, from the improved or Mexican seed. We have only to call to mind, that the old description of Cotton yielded about one-fourth or 25 lbs. of cotton wool to the 100 lbs. of seed cotton; that the quantity gathered per day was at least one-fourth less; and the yield per acre, one or two hundred pounds less. The improved seed can hardly be regarded as of less importance than the introduction of the gin stand. It is nothing then but fit and proper, that the genius and energy that directed the improvement should receive the due reward.

There are now many persons who know all about the present variety. I mean the Mexican now in use. They can give the information. If left a few years longer without inquiry, the facts will have passed away.

I beg to give what I learned, some ten or twelve years since, from intelligent planters, when on a visit to Natchez, as well as in more recent inquiries.

It was said that Mr. Pierce Noland, living near Rodney, Mississippi,* had by dint of selection, so improved the seed, as to cause a demand for it, at even 50 to 100 cents per bushel, when other seed was not sought for at any price, and that the merit was due only to his intelligence and energy.

Recently, I have understood that a Mr. Price had a good variety of seed,

* Mr. P. Noland has since removed to Warren county, not far from Vicksburg.

which had in all probability been imported from Mexico, but had been suffered to mix or run out; and that some young planter, probably Mr. Eli Montgomery, had got from Mr. Price some of his seed, and began to select in 1823; this being about the earliest step to the improvement. As evidence that this was so, Mr. Noland and others, I think, purchased seed of Mr. M. A. Mr. Bolls, who had a gin on the road, and ginned for the public, will know about these particulars, if he be now alive; if not, others must be, who are aware, as my informant states, that Mr. Bolls was in the habit of exhibiting the cotton from this seed, as being remarkable for the quantity of lint and its beautiful white appearance.

I should like to know, and presume there are many who are equally curious in matters that tend to throw light on our improvements, what was the original seed from which selections were made; who introduced these seed, and above all who made the improvement that has added millions to the wealth and resources of our whole country.

I do not think that the introduction of Mexican seed alone conferred the benefit; I have planted seed direct from Mexico, and though continuing to do so for several years, I could not discover that they equalled our Mexican; although, I believe, the Mexican seed were the forerunners; and were the parents of the present Mexican or Petit Gulf seed.

Yours, with great respect,

M. W. PHILLIPS.

PUBLISHING BUSINESS.

Ethan Allen; or the King's Men. By MELVILLE, Author of the "Master of Langford, &c." New York, 1846.

This work comes to us in the cheap form, and with no strong pretension to notice, other than the usual interest we all feel in anything connected with the good old days of '76. By all whose taste inclines them towards light reading, it will be perused with satisfaction, for although not without some insipidness in the narration, comparing it with the generality of novels, it will pass, at least among those readers who are not extremely fastidious in selection. It cannot be said to possess that fascinating quality which one discovers in the more elegant and glowing imaginings of the French authors. Nor, as a historical novel, can it be considered as equalling the exquisite productions of that popular favorite, James. It seems to us that the plot is too slowly developed—that the efforts at sentiment are badly sustained—and that a much greater show of vivacity is requisite, to render the work one of absorbing interest. Its scenic descriptions are not sufficiently vivid to suit a glowing fancy, nor does the work possess the pathos necessary to warm our imagination. We recommend it, however, to the reading portion of the community, as a very pleasing production.

The Artizan of Lyons, or Love's Traces: An Historical Romance. By DENNIS HANNEGAN, Author of the "Orange Girl of Venice," "Leon De Calavar," &c., &c. New York, 1846.

This is one of the best works of fiction that has recently appeared, and certainly one of the best by this popular author. Teeming as it does with incidents of an exciting character, and engaging our whole attention, as we rush on with the author amidst the thrilling adventures so eloquently portrayed, we cannot but add our testimony to its indisputable merit. The writer evidently possesses an imagination, as active as it is vivid, and this little emanation from his pen, is calculated to confirm us in the opinion we have previously expressed of him. There is some ambiguity in parts of it, and occasional attempts at exhibition and display; faults sufficiently atoned for by the general merits of the work.

History of the Bastile. By R. A. DAVENPORT. In one vol. Carey & Hart: Philadelphia, 1846.

The literary world, is deeply indebted to Mr. Davenport, for this highly instructive and pleasing volume. It is an acquisition to the standard literature of our country. The style is easy, natural and graceful, and the descriptions have a truthfulness and vigor which commend the work to our favorable notice. In the labor which must have been devoted to its production, we could have found an excuse for any inaccuracies which may have crept into its pages, but none such met our hasty and imperfect perusal. We felt lively interest, increasing as we further advanced into the body of the work, and fully sustained throughout. Willingly, however, would we have relieved our minds from its painful and sickening details of wretchedness and iniquity. The idea of imprisonment and death is surrounded with additional horrors, where the generous offices of friendship may not reach us, and the knowledge of our condition is confined exclusively to ourselves. Misery loves companionship.

The Bastile is invested in many minds with all the horrors of the inquisition. If we contemplate the mental agony of which it has been the fruitful cause, and the long list of distinguished persons confined within its gloomy walls, we cannot but feel a painful regret, that it should have been perverted from its original use and purpose. To the celebrated Stephen Marcel, provost of the merchants of Paris, our author gives the merit of the erection of towers on each side of the gate leading from the suburb St. Anthony into the street of the same name. This was conceived necessary at that time, from the fact of the English soldiery being stationed in the vicinity of the French capital—the disastrous battle of Poitiers having just been fought. A victory like that was well calculated to flush the successful soldiery with ideas of their valor and invincibility—hence the necessity for the exercise of the most consummate skill and prudence. These towers we are to regard as the first rudiments of the Bastile.

The strong arm of tyranny, however, was not long in prostituting it to purposes of its own. The famous "lettre de cachet," proved an auxiliary power fully conducive to the ends for which it was designed. By its mystic power the husband was torn from the warm bosom of his devoted wife, to be immured in a dungeon, where scarcely one ray of hope could reach him, and the silence of

the grave was forever to be his. By the name of his father he was never to be known, and in seeking a relief in death, he felt that his children might tread upon the sod that covered him, unconscious of his repose to whom they owed their being. Such were the laws that governed the Bastille—such the silence and obscurity with which all its acts were surrounded.

We had designed a much more extended notice of this work, but were induced to relinquish it for want of space. We commend it, in all confidence, to the lovers of choice literature.

Hunt's Merchant's Magazine, for September.

Farmers' Library, by Skinner, July, August and September.

Southern Journal of Medicine and Pharmacy, Charleston.

Southern Literary Messenger, September.

Southern Agriculturist, Charleston.

Banker's Journal, Baltimore.

Nile's Register.

Little's Living Age, September, from Morgan.

Recollections of Mexico, Hon. Waddy Thompson, from Morgan.

All of these works are upon our table, and are of such character as will not require elaborate notice. To our book department, hereafter, we shall devote great attention. When publishers favour us with their works, *they shall not be neglected*.

EDITOR'S NOTE.

We have on hand one or two sketches from Dr. Phillips, of Mississippi, and two able articles from other gentlemen upon Sugar and Cotton. We shall aim to continue improving the character of our material, and in some degree to deserve the high encomiums the *COMMERCIAL REVIEW* has already elicited. *It is no longer an experiment.*

It is our intention soon to publish in the work a list of its subscribers, marking the names of those who have paid. Will our liberal friends compel us to wait for the small amount, which, when withheld, "nothing enriches them," but so far as we are concerned, tends to "make us poorer indeed." *Let them enclose the money at our expense and risk.*

We are still anxious to receive subscribers from the commencement of the work—the back sets are well nigh exhausted, the demand having, so far, exceeded all expectation, but we are making arrangements to have the numbers all reprinted in volumes. Should any not receive their back sets, let them observe this and have a little patience.

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LOUISIANA STATE AGRICULTURAL ASSOCIATION.

The Executive Committee of this valuable institution, have lately had a meeting at Baton Rouge, and taken incipient steps in relation to the next annual meeting in January, 1847.

We take occasion of calling attention throughout the whole State, to the subject ; for the purposes of such an organization, to our great landed interests, are too important to be neglected. Such an institution belongs to the planters, and they should take it under their immediate protection *as a body*. An *agricultural fair* is a matter which all world is coming now to regard with interest.

Can we not produce such a fair to rival our sister States? This is a great era of agricultural reform. We are having geological surveys in all the country. We are endowing colleges with agricultural professorships, for instance Yale.—We are building up agricultural schools and publications, and associations all over the Union, and should Louisiana be the last? Let us settle this question. We give the officers of the association :

President.

Colonel P. HICKY, of East Baton Rouge,

Vice Presidents :

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D. F. KENNEL, Ascension ;	S. WIKOFF, Opelousas ;
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